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सं. 33] नई दिल्ली, अगस्त 9—अगस्त 15, 2009, शनिवार/श्रावण 18—श्रावण 24, 1931
No. 33] NEW DELHI, AUGUST 9—AUGUST 15, 2009, SATURDAY/SRAVANA 18—SRAVANA 24, 1931

इस भाग में धिन पृष्ठ संख्या दी जाती है जिससे कि यह पुष्क संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय की छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 31 जुलाई, 2009

का.आ. 2156.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखण्ड राज्य सरकार, गृह विभाग की अधिसूचना सं. 361/एचएससी/2009 द्वारा प्राप्त सहमति से श्री अविनाश कुमार द्वारा संचित बैमेल सम्पत्ति के तथाकथित आरोप और किन्हीं अन्य उपर्युक्त उल्लिखित अपराधों और प्रवृत्ति निवारण अधिनियम, 1988 के प्रावधानों के अंतर्गत उनके द्वारा किए गए अपराधों और/अथवा अन्य अधिनियमों के तहत अपराधों के संबंध में, भारतीय दण्ड संहिता की धारा 120-बी, 420 और प्रवृत्ति निवारण अधिनियम, 1988 की धारा 13(2) संगठित 13(1)(घ) के संबंध में, प्रवृत्ति निवारण अधिनियम, 1988 की धारा 13(2) पठित 13(झ)(ख) के तहत जांच के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार एतद्वारा सम्पूर्ण झारखण्ड राज्य पर करती है।

[सं. 228/41/2009-ए.पी.डी. II]

चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 31st July, 2009

S.O. 2156.—In exercise of the powers conferred by sub section (1) of Section 5, read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State

Government of Jharkhand, Home Department vide Notification No. 361/HSC/2009 dated 30-7-2009, hereby extends the powers and jurisdiction of the members of the Delhi Special Police to the whole State of Jharkhand for the investigation u/s 13/2 r/w 13(i)(e) of Prevention of Corruption Act, 1988, in respect of disproportionate assets alleged to have been amassed by Shri Avinash Kumar and any other offences in the aforesaid transaction and U/s 120-B, 420 IPC and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, in respect of offences committed by him under the provisions of Prevention of Corruption Act, 1988, and/or offences under any other Acts.

[No. 228/41/2009-AVD. II]

CHANDRA PRAKASH, Under Secy.

MINISTRY OF FINANCE
(Department of Revenue)
(Central Board of Direct Taxes)
CORRIGENDUM

New Delhi, the 5th August, 2009

S.O. 2157.—In the Notification Number 57/2009 dated 09-7-2009 the words and figure “with effect from 1-4-2009” may be corrected to read as “with effect from Assessment year 2009-10”.

Other terms and condition of the said notification remain unchanged.

[F. No. 203/9/2008-ITA. II]

DR. SANJAY KUMAR LAL, Under Secy. (ITA. II)

नागर विमानन मंत्रालय

(ए ए आई अनुभाग)

नई दिल्ली, 4 अगस्त, 2009

का.आ. 2158.—भारतीय विमानपत्तन आर्थिक विनियामक प्राधिकरण अधिनियम, 2008 (2008 के 27) की धारा 3 की उपधारा (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्द्वारा श्री यशवन्त एस. भावे को पांच वर्ष की अवधि तक अथवा 65 वर्ष की आयु तक या अगले आदेशों तक, जो भी पहले हो, दिनांक 1-08-2009 (पूर्वाहन) से 80,000/- रुपये (निर्धारित) प्रति माह के वेतनमान में अध्यक्ष, भारतीय विमानपत्तन आर्थिक विनियामक प्राधिकरण (एईआरए) के पद पर नियुक्त करती है।

[फा. संख्या एवी-24015/001/2009-एएआई]

ओमानंद, अवर सचिव

MINISTRY OF CIVIL AVIATION
(AAI Section)

New Delhi, the 4th August, 2009

S.O. 2158.—In exercise of the powers conferred by sub-section (6) of Section 3 of the Airports Economic Regulatory Authority of India Act, 2008 (27 of 2008), the Central Government hereby appoints Shri Yashwant S. Bhawe, to the post of Chairperson, Airports Economic Regulatory Authority (AERA) in the Pay Scale of Rs. 80,000/- (fixed) per month w.e.f. 01-08-2009 (FN) for a period of five years or till the age of 65 years or until further orders, whichever is the earlier.

[F. No. AV. 24015/001/2009-AAI]

OMA NAND, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

(दंत चिकित्सा शिक्षा अनुभाग)

नई दिल्ली, 7 जुलाई, 2009

का.आ. 2159.—केन्द्र सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, स्वास्थ्य और परिवार कल्याण मंत्रालय के दिनांक 24 जनवरी 1984 के का. आ. सं. 430 की अधिसूचना में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में क्रम संख्या 5 और तत्संबंधी प्रविष्टियों के लिए “धारा 3 के परंतुक के साथ पठित खंड (क) के अंतर्गत निर्वाचित” शीर्षक के अंतर्गत निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :

“5. डॉ. सुरिंद्र पाल सिंह सोढ़ी
58/2, हरिंद्र नगर,
फरीदकोट, पंजाब

निर्वाचित पंजाब दंत चिकित्सा परिषद् 17-12-2007”

[फा. सं. बी-12013/1/2009-डी.ई.]

आर. शंकरन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

(Dental Education Section)

New Delhi, the 7th July, 2009

S.O. 2159.—In exercise of the powers conferred under Section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India, Ministry of Health and Family Welfare No. S.O. 430 dated 24th January, 1984 namely :—

In the said notification under head “Elected under clause (a) read with proviso to Section 3” for Serial No. 5 and the entries relating thereto, the following shall be substituted therein, namely :—

“5. Dr. Surinder Pal Singh Sodhi,
58/2, Harindra Nagar,
Faridkot, Punjab

Elected Punjab Dental Council 17-12-2007”.

[F. No. V. 12013/1/2009-DE]

R. SANKARAN, Under Secy.

पोत परिवहन मंत्रालय

नई दिल्ली, 31 जुलाई, 2009

का.आ. 2160.—केंद्र सरकार एतद्वारा श्री अरविन्द कुमार, भारतीय अर्थ सेवा, सदस्य (परिवहन अनुसंधान विंग), सड़क परिवहन और राजमार्ग मंत्रालय को 1 अगस्त, 2009 से 30 सितम्बर, 2009 की अवधि के लिए महापत्तन प्रशुल्क प्राधिकरण के सदस्य का अतिरिक्त कार्यभार संभालने हेतु नियुक्त करती है।

[सं. पी.आर.-14019/14/2009-पी.जी.]

राकेश मल्होत्रा, उप सचिव

MINISTRY OF SHIPPING

New Delhi, the 31st July, 2009

S.O. 2160.—The Central Government hereby appoints Shri Arvind Kumar, IES, Member (Transport Research Wing) Ministry of Road Transport and Highways to hold additional charge as Member, Tariff Authority for Major Ports for a further period from 1st August, 2009 to 30th September, 2009.

[No. PR-14019/14/2009-P.G.]

RAKESH MALHOTRA, Dy. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 3 अगस्त, 2009

का.आ. 2161.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम (5) के उप-नियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :

अनुसूची

क्रम संख्या	लाइसेंस संख्या सी एम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम, सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
01	2377663	मैसर्स ओसवाल पाइप्स, प्लॉट क्र इ-13, एम आइ डी सी एरिया, हिंगणा इंडस्ट्रियल एरिया, हिंगणा रोड, नागपुर, महाराष्ट्र-440028	पेय जल की आपूर्ति के लिए असुषदयित पी वी सी पाइप-विशिष्ट आई एस 4985 : 2000	17-11-2008
02	7729693	मैसर्स सेंट्रल केबल्स लि. प्लॉट क्र इ एल-12, एम आइ डी सी हिंगणा इंडस्ट्रियल एरिया, नागपुर, महाराष्ट्र-440016	एरियल बच केबल फॉर वर्किंग वोल्टेजेंस अप टु एन्ड इन्क्लुडिंग 1100 वोल्ट्स आई एस 14255 : 1995	02-01-2009

[सं. सीएमडी-13 :13]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 3rd August, 2009

S.O. 2161.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licences No. CM/L-	Name of Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
01	2377663	M/s. Oswal Pipes, Plot No. E-13, MIDC Area, Hingna Industrial Area, Hingna Road, Nagpur, Maharashtra-440028	Unplasticized pvc pipes for potable water supplies- IS 4985 : 2000	17-11-2008
02.	7729693	M/s. Central Cables Ltd., Plot No. E-12, MIDC Hingna Industrial Area, Nagpur, Maharashtra-440016	Aerial bunched cables for working voltages upto and including 1100 volts IS 14255 : 1995	02-01-2009

[No. CMD/13 :13]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 4 अगस्त, 2009

का.आ. 2162.—भारतीय मानक ब्यूरो नियम, 1987 के नियम, 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 15803 : 2008 श्वसन संरक्षी युक्तियाँ—स्वतः पूर्णबंद परिपथ श्वसन उपकरण, रसायन ऑक्सीजन (KO ₂) टाइप, स्वतः उत्पादन, स्वतः रेस्क्युर्स—विशिष्ट	संशोधन सं. 1, मई, 2009	31 मई, 2009

इस मानक की प्रतियाँ भारतीय मानक ब्यूरो मानक भवन 9, बहादुर शाह जफर मार्ग नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 08/आई एस 15803]

ई. देवेन्द्र, वैज्ञानिक एफ एवं प्रमुख (रसायन)

New Delhi, the 4th August, 2009

S.O. 2162.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1.	IS 15803 : 2008 Respiratory Protective Devices—Self Contained Closed Circuit Breathing Apparatus Chemical Oxygen (KO ₂), Type, self Generating, Self Rescuers—Specification	Amendment No. 1, May, 2009	31 May, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CHD 08/IS 15803]

E. DEVENDAR, Scientist F & Head (Chemical)

नई दिल्ली, 4 अगस्त, 2009

क्र.आ. 2163.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1.	आईएस 15850 : 2009 नाभिकीय ग्रेड बोरोन कार्बाइड—विशिष्ट	--	31 जनवरी, 2009

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 30/आई एस 15850]

ई. देवेन्द्र, वैज्ञानिक एफ एवं प्रमुख (रसायन)

New Delhi, the 4th August, 2009

S.O. 2163.—In pursuance of clause (b) of sub-rule (I) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
1.	IS 15850 : 2009 Nuclear Grade Boron Carbide-Specification	—	31 January, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CHD 30/IS 15850]

E. DEVENDAR, Scientist F & Head (Chemical)

नई दिल्ली, 4 अगस्त, 2009

का.आ. 2164.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 15839 : 2009 आईएसओ 13520 : 2002 -आस्टेनिटिक स्टेनलैस इस्पात गढ़ाईयों में फेराइट की मात्रा का निर्धारण	--	28 फरवरी, 2009

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 22/टी-15]

पी. घोष, वैज्ञानिक ई एवं प्रमुख (एमटीडी)

New Delhi, the 4th August, 2009

S.O. 2164.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15839 : 2009/ISO 13520 : 2002 Determination of Ferrite Content in Austenitic Stainless Steel Castings	—	28 February, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 22/T-15]

P. GHOSH, Scientist 'E' & Head (Met Engg)

नई दिल्ली, 4 अगस्त, 2009

का.आ. 2165.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक (कों) की संख्या वर्ष संख्या और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आईएस 280 : 2006 सामान्य इंजीनियरी अनुप्रयोगों के लिए मृदु इस्पात की तार (चौथा पुनरीक्षण)	संशोधन संख्या 1 अगस्त 2009	3 अगस्त 2009

इस संशोधनों की प्रतियाँ भारतीय मानक की प्रतियाँ, भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 4/टी-17]

पी. घोष, वैज्ञानिक 'ई' एवं प्रमुख (एमटीडी)

New Delhi, the 4th August, 2009

S.O. 2165.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the amendment (s)	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 280 : 2006—Mild steel wire for general engineering purposes (fourth revision)	Amendment No. 1 August 2009	3 August 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 4/T-17]

P. GHOSH, Scientist 'E' & Head (Met Engg)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 11 जुलाई, 2009

का. आ. 2166.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 12, तारीख 23 दिसम्बर, 2008 द्वारा तमिलनाडु राज्य में चेन्नई पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली रिफाइनरी से मीनाम्बक्कम एयरपोर्ट तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एवीएशन टर्बाइन फ्युयल (ए टी एफ) पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 24-01-2009 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : श्रीपेरुम्बुदूर जिला : कांचीपुरम राज्य : तमिलनाडु

गांव का नाम	सर्वेक्षण सं.	उप खण्ड सं.	उप खण्ड सं.	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	
79, कोला-प्पक्कम	348	2बी2	0	6		69
	349	4	0	1		91
	349	3ए	0	3		72

1	2	3	4	5	6
	349	1बी	0	4	62
	370	2बी	0	0	40
	370	1डी	0	2	65
	370	1सी	0	1	87
	370	1बी	0	2	34
	370	1ए	0	2	58
	370	5सी	0	4	06

[फा. सं. आर-25011/11/2006-ओ.आर-1]

बी. के. दत्ता, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 11th July, 2009

S.O. 2166.—Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 12 dated the 23rd December, 2008 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Aviation Turbine Fuel (ATF) petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Meenamabakkam Airport in the State of Tamil Nadu, by the Indian Oil Corporation Limited;

And whereas, copies of the said notification were made available to the public from 24-1-2009;

And whereas, the Competent Authority in pursuance of sub-section (1) of Section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluk : District : Kanchipuram State : Tamilnadu
Sriperumbudur

Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Square Meter
1	2	3	4	5	6
79 Kola-pakkam	348	2B2	0	6	69
	349	4	0	1	91
	349	3A	0	3	72
	349	1B	0	4	62
	370	2B	0	0	40
	370	1D	0	2	65
	370	1C	0	1	87
	370	1B	0	2	34
	370	1A	0	2	58
	370	5C	0	4	06

[F.No. R-25011/11/2006-OR-1]

B. K. DATTA, Under Secy.

नई दिल्ली, 12 अगस्त, 2009

का.आ. 2167.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक क्रूड ऑयल के परिवहन हेतु भारत ओमान रिफाइनरीज लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री एस. के. ब्रह्मभट्ट, सक्षम प्राधिकारी, वाडीनार बीना क्रूड ऑयल पाइपलाइन परियोजना, भारत ओमान रिफाइनरीज लिमिटेड, 18, शांतिनिवास सोसायटी, प्रभा रोड, गोधरा-389001 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : लीमखेड़ा जिला : दाहोद राज्य : गुजरात

क्र.सं.	गांव का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	घरपाटा	44/8	00.1458
2.	मानली	418	00.0343
3.	आगरा	177/2	00.0240
4.	प्रतापुरा	46/2 पैकी	00.0540
		9/पैकी2	00.2355
		46/पी/2I	00.3510
5.	पटवान	7/3	00.1520
		67	00.3778
6.	टीबा	7/पैकी 3	00.5000
		7/पैकी 14	00.2100
		13/7	00.2560
		7/पैकी	00.0900
		7/4/पैकी	00.2850
		7/पैकी	00.3200
		7/पैकी	00.3000
		7/7/पैकी	00.3060
		7/पैकी	00.4150
		7/4	00.3600
		7/6/पैकी	00.3750
		7/पैकी	00.6150
		7/20 पैकी	00.4200
		7/पैकी	00.2850
		7/पैकी	00.2400
		7/पैकी	00.2100
		7/पैकी	00.2100
		7/पैकी	00.1000
7.	वीसलंगा	88	00.2000
		82/13	00.5000
8.	जाडाखेरीया	92/पैकी	00.7800
		92/22/पैकी/1	00.3300

[फा. सं. आर-31015/26/2009-ओआर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th August, 2009

S. O. 2167.—Whereas it appears to the Central Government that it is necessary in the public interest that for transportation of crude oil from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, a pipeline should be laid by Bharat Oman Refineries Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this Notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S. K. Brahmabhatt, Competent Authority, Vad'nar-Bina Crude Oil Pipeline Project, Bharat Oman Refineries Limited, 18, Shantinivas Society, Prabha Road, Godhra-3890051 (Gujarat).

SCHEDULE

Tehsil : Limkheda District : Dahod State : Gujarat			
Sl. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Parpata	44/8	00.1458
2.	Manli	418	00.0343
3.	Agara	177/2	00.0240
4.	Pratappura	46/2 Paiki	00.0540
		9 Paiki 2	00.2355
		46/P/21	00.3510
5.	Patwan	7/3	00.1520
		67	00.3778
6.	Timba	7/Paiki/3	00.5000
		7/Paiki 14	00.2100
		13/7	00.2560
		7/Paiki	00.0900
		7/4/Paiki	00.2850
		7/Paiki	00.3200
		7/Paiki	00.3000
		7/Paiki	00.3000
		7/Paiki	00.4150
		7/4	00.3600

1	2	3	4
		7/6/Paiki	00.3750
		7/Paiki	00.6150
		7/20 Paiki	00.4200
		7/Paiki	00.2850
		7/Paiki	00.2400
		7/Paiki	00.2100
		7/Paiki	00.2100
		7/Paiki	00.1000
7.	Vislanga	88	00.2000
		82/13	00.5000
8.	Jadakheriya	92/Paiki	00.7800
		92/22/Paiki/1	00.3300

[F.No. R-31015/26/2009-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 अगस्त, 2009

का.आ. 2168.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक क्रूड ऑयल के परिवहन हेतु भारत ओमान रिफाइनरीज लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री एस. के. ब्रह्मभट्ट, सक्षम प्राधिकारी, वाडीनार बीना क्रूड ऑयल पाइपलाइन परियोजना, भारत ओमान रिफाइनरीज लिमिटेड, 18, शांतिनिवास सोसायटी, प्रभा रोड, गोधरा-389001 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : दाहोद		जिला : दाहोद	राज्य : गुजरात
क्र.सं.	गांव का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	बावका	184/1	00.2460
		238/1	00.0900
		235/4	00.0050

1	2	3	4
2.	भुतोडी	98 पैकी	00.5245
3.	गडोई	143	00.0951
4.	नगराला	151	00.1000
5.	मोटीखरज	128/1	00.1134
		41/1-2-3	00.4373
6.	जालत	116/1	00.2070
		20/2	00.1840
		20/1	00.0250
		156	00.4185
		157	00.2300
		121/1	00.0990
7.	चंदवाना	48/पैकी	00.0100
8.	कठला	199	00.1657
		210	00.0300
9.	बरबाडा	88/1/बी	00.0400
10.	खंगेला	32	00.0200
		10/2	00.0651
		10/3	00.0885
		10/6	00.1110
		146/1	00.2108
		119/1	00.0800

[फा. सं. आर.-31015/28/2009-ओआर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th August, 2009

S. O. 2168.—Whereas it appears to the Central Government that it is necessary in the public interest that for transportation of crude oil from Vadinar in the State of Gujarat to Bina in the state of Madhya Pradesh, a pipeline should be laid by Bharat Oman Refineries Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this Notification are made available to the public, object in

writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S. K. Brahmhatt, Competent Authority, Vadinar-Bina Crude Oil Pipeline Project, Bharat Oman Refineries Limited, 18, Shantinivas Society, Prabha Road, Godhra-389001 (Gujarat).

SCHEDULE

Tehsil : Dahod District : Dahod State : Gujarat

S. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Bavka	184/1	00.2460
		238/1	00.0900
		235/4	00.0050
2.	Bhutodi	98 Paiki	00.5245
3.	Gadoi	143	00.0951
4.	Nagralla	151	00.1000
5.	Motikharaj	128/1	00.1134
		41/1-2-3	00.4373
6.	Jalat	116/1	00.2070
		20/2	00.1840
		20/1	00.0250
		156	00.4185
		157	00.2300
		121/1	00.0990
7.	Chandwana	48/Paiki	00.0100
8.	Kathala	199	00.1657
		210	00.0300
9.	Varbada	88/1/B	00.0400
10.	Khangela	32	00.0200
		10/2	00.0651
		10/3	00.0885
		10/6	00.1110
		146/1	00.2108
		119/1	00.0800

[F. No. R-31015/28/2009-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 अगस्त, 2009

का.आ. 2169.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में वाडीनार से मध्यप्रदेश राज्य में बीना तक क्रूड ऑयल के परिवहन हेतु भारत ओमान रिफाइनरीज लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे

उपावद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसका इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ आभारण जनता को उपलब्ध करा दी जाती हैं, इसकीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री एस. के. ब्रह्मभट्ट, सक्षम प्राधिकारी, वादिनार बीना क्रूड ऑयल पाइपलाइन परियोजना, भारत ओमान रिफाइनरीज लिमिटेड, 18, शांतिनिवास सोसायटी, प्रभा रोड, गोधरा-389001 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : गोधरा		जिला : पंचमहल	राज्य : गुजरात
क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	भोमा	1/52	00.8695
2.	गवाची	1/78	00.0960
3.	अंबाली	233/ए/4	00.0175
		233/ए/5	00.1407
4.	भामैया	72/1	00.1012
		324	00.3300
5.	गोधरा	674	00.1152
		996	00.3642
		1070	00.2910
6.	गोविंदी	188/पैकी 2	00.3300
		188 पैकी	00.1950
		171/पैकी 1	00.1200
		176	00.2250
7.	जाफराबाद	269 पैकी	00.4500
		304	00.2000
		269/पैकी	00.0500
		269/पैकी 3	00.0200
8.	गढ़	16/2	00.0200
9.	केवडीया	113/पैकी	00.0471
10.	ओरवाडा	377	00.0696
11.	सालीया	427/बी	00.1500
		140/2	00.0500

[फा. सं. आर-31015/29/2009-ओआर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th August, 2009

S.O. 2169.—Whereas it appears to the Central Government that it is necessary in the public interest that for transportation of crude oil from Vadinar in the State of Gujarat to Bina in the state of Madhya Pradesh, a pipeline should be laid by Bharat Oman Refineries Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this Notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S. K. Brahmabhatt, Competent Authority, Vadinar-Bina Crude Oil Pipeline Project, Bharat Oman Refineries Limited, 18, Shantinivas Society, Prabha Road, Godhra-389001 (Gujarat).

SCHEDULE

Tehsil : Godhra District : Panchmahal State : Gujarat

S. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Bhima	1/52	00.8695
2.	Gavachi	1/78	00.0960
3.	Ambali	233/A/4	00.0175
		233/A/5	00.1407
4.	Bhamaiya	72/1	00.1012
		324	00.3300
5.	Godhra	674	00.1152
		996	00.3642
		1070	00.2910
6.	Govindi	188/P/2	00.3300
		188/P	00.1950
		171/P/1	00.1200
		176	00.2250
7.	Jafrabad	269/P	00.4500
		304	00.2000
		269/P	00.0500
		269/P/3	00.0200
8.	Gadh	16/2	00.0200

1	2	3	4
9.	Kevadiya	113/P	00.0471
10.	Orvada	377	00.0696
11.	Saliya	427/B	00.1500
		140/2	00.0500

[F. No. R-31015/29/2009-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का. आ. 2170.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2705, तारीख 24 सितम्बर, 2008, जो भारत के राजपत्र तारीख 27 सितम्बर, 2008 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुजरात राज्य में वाडीनार संस्थापन से मध्य प्रदेश राज्य में बीना तक कच्चे पेट्रोलियम उत्पादों के परिवहन के लिए वाडीनार-बीना पाइपलाइन परियोजना के माध्यम से भारत ओमान रिफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 1 दिसम्बर, 2008 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि में पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाय, सभी विल्लंगमों से मुक्त, भारत ओमान रिफाइनरीज लिमिटेड में निहित होगा।

अनुसूची

तहसील : बदनावर		जिला : धार	राज्य : मध्य प्रदेश
क्र. सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1.	दौत्र्या	670 पी	0.78
		829	0.08
		830	0.06

1	2	3	4
		1282	0.09
		1 31 9/2	0.02
		1319/3	0.20
2.	बखतपुरा	16	0.02
		18	0.08
		321	0.10
3.	टीटीपाड़ा	23	0.17
4.	संदला	729/2	0.26
5.	तिलगारा	1193/1	0.04
6.	मुल्थान	569	1.85
		910	0.23
		1286	0.34
		2596/2	0.21
7.	काछीबड़ौदा	673	0.03
		678	0.20
8.	करोदा	45	0.05
		56/3	0.08

[फा. सं. आर.-31015/13/2008-ओआर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 13th August, 2009

S.O. 2170.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2705 dated the 24th September, 2008, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 27th September, 2008, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of Crude Oil through Vadinar-Bina Crude Pipeline Project from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh by Bharat Oman Refineries Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 1st December, 2008;

And whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Oman Refineries Limited, free from all encumbrances.

SCHEDULE

Teshil : Badnawar District : Dhar State : Madhya Pradesh

S. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	DOTRIYA	670 P	0.78
		829	0.08
		830	0.06
		1282	0.09
		1 31 9/2	0.02
		1319/3	0.20
2.	BAKHATPURA	16	0.02
		18	0.08
		321	0.10
3.	TITIPADA	23	0.17
4.	SANDLA	729/2	0.26
5.	TILGARA	1193/1	0.04
6.	MULTHAN	569	1.85
		910	0.23
		1286	0.34
		2596/2	0.21
7.	KHACCHIBARODA	673	0.03
		678	0.20
8.	KARODA	45	0.05
		56/3	0.08

[F.No. R-31015/13/2008-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का.आ. 2171.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश

राज्य में बीना तक क्रूड ऑयल के परिवहन हेतु भारत ओमान रिफाइनरीज लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री एस. के. ब्रह्मभट्ट, सक्षम प्राधिकारी, वाडीनार बीना क्रूड ऑयल पाइपलाइन परियोजना, भारत ओमान रिफाइनरीज लिमिटेड, 18, शांतिनिवास सोसायटी, प्रभा रोड, गोधरा-389001 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : सावली		जिला : वडोदरा	राज्य : गुजरात
क्र.सं.	गांव का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	वरसडा	134/1	00.0568
		105/63ए	00.0822
		105/63बी	00.0267
2.	जांबुगोरल	173	00.0175

[फा. सं. आर.-31015/22/2009-ओआर-11]

ए. गोस्वामी, अवर सचिव

New Delhi, the 13th August, 2009

S. O. 2171.—Whereas it appears to the Central Government that it is necessary in the public interest that for transportation of Crude oil from Vadinar in the State of Gujarat to Bina in the state of Madhya Pradesh, a pipeline should be laid by Bharat Oman Refineries Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 3 of the Petroleum and

Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this Notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S. K. Brahmabhatt, Competent Authority, Vadinar-Bina Crude Oil Pipeline Project, Bharat Oman Refineries Limited, 18, Shantinivas Society, Prabha Road, Godhra-389001 (Gujarat).

SCHEDULE

Tehsil : Savli District : Vadodara State : Gujarat

Sl. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Varsada	134/1 105/63A 105/63B	00.0568 00.0822 00.0267
2.	Jambugoral	173	00.0175

[F. No. R-31015/22/2009-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का.आ. 2172.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक क्रूड ऑयल के परिवहन हेतु भारत ओमान रिफाइनरीज लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री एस. के. ब्रह्मभट्ट, सक्षम प्राधिकारी, वाडीनार बीना क्रूड ऑयल पाइपलाइन परियोजना, भारत ओमान रिफाइनरीज लिमिटेड, 14, 14-ए, कृष्णा बंग्लो, प्रहलादनगर,

अहमदाबाद-380051, (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : मातर		जिला : खेड़ा	राज्य : गुजरात
क्र.सं.	गांव का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	असामली	457 483/2	00.1328 00.0315
2.	असलाली	82/बी	00.0444
3.	त्रान्जा	82	00.0400
4.	हेरंज	567	00.0427
5.	खांधली	12 322 354 335 361	00.0740 00.0481 00.1456 00.0175 00.0369
6.	मलियातज	59	00.0208

[फा. सं. आर.-31015/27/2009-ओआर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 13th August, 2009

S. O. 2172.—Whereas it appears to the Central Government that it is necessary in the public interest that for transportation of Crude oil from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, a pipeline should be laid by Bharat Oman Refineries Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this Notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S. K. Brahmabhatt, Competent Authority, Vadinar-Bina Crude Oil Pipeline Project, Bharat Oman Refineries Limited, 14 & 14-A, Krishna Bungalow, Near Prahladnagar, B/h. V.S.N.L., Bldg., Ahmedabad-380051 (Gujarat).

SCHEDULE

Tehsil : Matar District : Kheda State : Gujarat

Sl. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Asamali	457 483/2	00.1328 00.0315
2.	Aslali	82/B	00.0444
3.	Tranja	82	00.0400
4.	Heranj	567	00.0427
5.	Khandhli	12 322 354 335 361	00.0740 00.0481 00.1456 00.0175 00.0369
6.	Maliyataj	59	00.0208

[F. No. R-31015/27/2009-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का.आ. 2173.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में वाडीनार से मध्यप्रदेश राज्य में बीना तक क्रूड ऑयल के परिवहन हेतु भारत ओमान रिफाइनरीज लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री एस. के. ब्रह्मभट्ट, सक्षम प्राधिकारी, वाडीनार बीना क्रूड ऑयल पाइपलाइन परियोजना, भारत ओमान रिफाइनरीज लिमिटेड, 14, 14-ए. कृष्णा बंग्लोज, प्रहलादनगर, अहमदाबाद-380051, (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : उमरेठ जिला : आणंद राज्य : गुजरात

क्र.सं.	गांव का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	पणसोरा	866 पैकी 866 पैकी	00.0248 00.0473
2.	थामणा	876 1134/2 803/3	00.0434 00.1049 00.1563
3.	उमरेठ	179/3 180/2 475 पैकी 601/1 602/1 841 838 836 921 154 465	00.0134 00.0100 00.1134 00.2214 00.0274 00.0008 00.1172 00.0232 00.3304 00.0055 00.0300
4.	वणसोल	257/3 267/3 269 238/5+6 238/3+4	00.0152 00.0539 00.0303 00.0440 00.0388

[फा. सं. आर.-31015/23/2009-ओआर-11]

ए. गोस्वामी, अवर सचिव

New Delhi, the 13th August, 2009

S. O. 2173.—Whereas it appears to the Central Government that it is necessary in the public interest that for transportation of crude oil from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, a pipeline should be laid by Bharat Oman Refineries Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date

on which copies of the Gazette of India containing this Notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S. K. Brahmabhatt, Competent Authority, Vadinar-Bina Crude Oil Pipeline Project, Bharat Oman Refineries Limited, 14 & 14-A, Krishna Bungalow, Near Prahladnagar, B/h. V.S.N.L., Bldg., Ahmedabad-380051 (Gujarat).

SCHEDULE

Tehsil : Umreth District : Anand State : Gujarat

S. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Pansora	866 P	00.0248
		866 P	00.0473
2.	Thamna	876	00-0434
		1134/2	00.1049
		803/3	00.1563
3.	Umreth	179/3	00-0134
		180/2	00.0100
		475 P	00.1134
		601/1	00.2214
		602/1	00.0274
		841	00.0008
		838	00.1172
		836	00.0232
		921	00.3304
		154	00.0055
		465	00.0300
4.	Vansol	257/3	00-0152
		267/3	00-0539
		269	00-0303
		238/5+6	00-0440
		238/3+4	00-0388

[F. No. R-31015/23/2009-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का.आ. 2174.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में वाडीनार से मध्यप्रदेश राज्य में बीना तक क्रूड ऑयल के परिवहन हेतु भारत ओमान रिफाइनरीज लिमिटेड द्वारा एक पाईपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को ऐसी पाईपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाईपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाईपलाइन बिछाई जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री एस. के. ब्रह्मभट्ट, सक्षम प्राधिकारी, वाडीनार बीना क्रूड ऑयल पाईपलाइन परियोजना, भारत ओमान रिफाइनरीज लिमिटेड, 14, 14-ए, कृष्णा बंग्लो, प्रह्लादनगर, अहमदाबाद-380051, (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : सायला जिला : सुरेन्द्रनगर राज्य : गुजरात

क्र.सं.	गांव का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	चित्रालांक	74/1	00.0871
2.	ईश्वरिया	40 पैकी	00.0653
		40 पैकी	00.0732
3.	चोरविरा (थान)	359	00.3400
		35/1	00.4950
		343/2 पैकी	00.0001

[फा. सं. आर-31015/24/2009-ओआर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 13th August, 2009

S. O. 2174.—Whereas it appears to the Central Government that it is necessary in the public interest that for transportation of crude oil from Vadinar in the State of Gujarat to Bina in the state of Madhya Pradesh, a pipeline should be laid by Bharat Oman Refineries Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this Notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S. K. Brahmabhatt, Competent Authority, Vadinar-Bina Crude Oil Pipeline Project, Bharat Oman Refineries Limited, 14 & 14-A,

Krishna Bungalow, Near Prahladnagar, B/h. V.S.N.L., Bldg.,
Ahmedabad-380051 (Gujarat).

SCHEDULE

Tehsil : Sayla District : Surendranagar State : Gujarat

S. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Chitralank	74/1	00.0871
2.	Ishwariya	40 P/1	00-0653
		40 P	00.0732
3.	Chorvira (Than)	359	00.3400
		35/1	00-4950
		343/2 P	00.0001

[F. No. R-31015/24/2009-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 13 अगस्त, 2009

का.आ. 2175.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में वाडीनार से मध्यप्रदेश राज्य में बीना तक क्रूड ऑयल के परिवहन हेतु भारत ओमान रिफाइनरीज लिमिटेड द्वारा एक पाईपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को ऐसी पाईपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो/इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाईपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाईपलाइन बिछाई जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री एस. के. ब्रह्मभट्ट, सक्षम प्राधिकारी, वाडीनार बीना क्रूड ऑयल पाईपलाइन परियोजना, भारत ओमान रिफाइनरीज लिमिटेड, 23-24. पहली मंजिल, "प्रमुख स्वामी आर्कैड", मालवीया चौक, राजकोट-360 001 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : जामनगर जिला : जामनगर राज्य : गुजरात

क्र.सं. गाँव का नाम सर्वे नंबर क्षेत्रफल हेक्टेयर में

1	2	3	4
1.	गागवा	71	00.0210

1	2	3	4
2.	वसई	15	00.0383
		17	00.2280
		37/2	00.2592
3.	नाधेडी	5 पैकी	00.0500
		5 पैकी	00.3812
		12 पैकी	00.7331
4.	कनसुमरा	294	00.1673
		66	00.1420
5.	मोरकंडा	180	00.0490
		165	00.3965
		232	00.3000
		233	00.1800
		174	00.1500
		174	00.1620
6.	डेबा	108 पैकी	00.0906
		84/2 पैकी	00.0502
		83 पैकी	00.0710
7.	मोटा धावरीया	400 पैकी	00.0124
		285	00.2125
		199	00.0260
		151 पैकी	00.0287
		151 पैकी	00.0425
		152	00.1290
8.	अलीयाबाडा	130	00.1150
		143	00.0300
		142/1 पैकी	00.1150
		142/1 पैकी	00.2650
		146 पैकी	00.1101
		146 पैकी	00.1590
		163/1 पैकी	00.2360
		193 पैकी	00.0200
		293 पैकी	00.0400
		401 पैकी	00.3810
		164/2 पैकी	00.1907
		142/3 पैकी	00.0700
9.	मोडा	453 पैकी	00.2430
		454	00.3700
		456	00.1485
		474	00.0945
		15/2	00.0419
		86 पैकी	00.0199
		86 पैकी	00.0911

1	2	3	4
10. लाखाणी मोटावास	316 पैकी	00.2000	
	390 पैकी 2	00.1000	
	389	00.1196	
	431 पैकी	00.0930	
	426	00.4559	
11. लाखाणी नानावास	232 पैकी	00.0860	
	233	00.4183	

[फा. सं. आर.-31015/25/2009-ओआर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 13th August, 2009

S. O. 2175.—Whereas it appears to the Central Government that it is necessary in the public interest that for transportation of crude oil from Vadinar in the State of Gujarat to Bina in the state of Madhya Pradesh, a pipeline should be laid by Bharat Oman Refineries Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this Notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S. K. Brahmabhatt, Competent Authority, Vadinar-Bina Crude Oil Pipeline Project, Bharat Oman Refineries Limited, 23-24, Wing-B, 1st Floor, Pramukh Swami Arcade, Malaviya Chowk, Rajkot-360 001 (Gujarat).

SCHEDULE

Tehsil : Jamnagar District : Jamnagar State : Gujarat

S. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1-	Gagwa	71	00-0210
2.	Vasai	15	00-0383
		17	00-2280
		37/2	00-2592

1	2	3	4
3. Naghedi	5 Paiki	00-0500	
	5 Paiki	00-3812	
	12 Paiki	00-7331	
4. Kansumra	294	00-1673	
	66	00-1420	
5. Morkanda	180	00-0490	
	165	00-3965	
	232	00-3000	
	233	00-1800	
	174	00-1500	
	174	00-1620	
6. Theba	108 Paiki	00-0906	
	84/2 Paiki	00-0502	
	83 Paiki	00-0710	
7. Mota Thavaria	400 Paiki	00-0124	
	285	00-2125	
	199	00-0260	
	151 Paiki	00-0287	
	151 Paiki	00-0425	
	152	00-1290	
8. Aliyabada	130	00-1150	
	143	00-0300	
	142/1 Paiki	00-1150	
	142/1 Paiki	00-2650	
	146 Paiki	00-1101	
	146 Paiki	00-1590	
	163/1 Paiki	00-2360	
	193 Paiki	00-0200	
	293 Paiki	00-0400	
	401 Paiki	00-3810	
	164/2 Paiki	00-1907	
	142/3 Paiki	00-0700	
9. Moda	453 Paiki	00-2430	
	454	00-3700	
	456	00-1485	
	474	00-0945	
	15/2	00-0419	
	86 Paiki	00-0199	
	86 Paiki	00-0911	
10. Lakhani	316 Paiki	00-2000	
Motawas	390 Paiki 2	00-1000	
	389	00-1196	
	431 Paiki	00-0930	
	426	00-4559	
11. Lakhani	232 Paiki	00-0860	
Nanawas	233	00-4183	

[F. No. R-31015/25/2009-OR-II]

A. GOSWAMI, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान मशीन टूल्स लिमिटेड, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 246/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-42025/10/2009-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 20th July, 2009

S.O. 2176.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 246/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Machine Tools Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-42025/10/2009-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 16th day of February, 2009

Industrial Dispute LC No. 246/2004

BETWEEN

Sri S. Siva Sankaram,
S/o Venkata Rao,
H. N. SRT-763, Sanathnagar,
Hyderabad

... Petitioner

And

1. The General Manager,
Hindustan Machine Tools Ltd.,
Balanagar, Hyderabad.
2. The Joint General Manager.
(Personnel-in-charge),
Hindustan Machine Tools Ltd.,
Balanagar, Hyderabad

... Respondents

APPEARANCES

For the Petitioner : M/s. V.S. Subramanayam &
R. S. S. Reddy, Advocates

For the Respondent : M/s. P. Nageswar Sree,
K. Raghuram Reddy,
Ch. Venkata Raju & T. Vijaya
Rao, Advocates

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P.No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents against his termination in 20-9-99. He submitted that he joined the Respondent department as electrician in November, 1994. He prayed this court to set aside the oral termination and direct the Respondents to take him back into service with all consequential benefits.

3. Counter was filed by the Respondents. It is submitted that there is no employer employee relationship between the Petitioner and the Respondents. The Petitioner was engaged depending upon the exigency work. That no recruitment took place since about 1983. Hence, the petition is liable to be rejected.

4. Parties were directed to produce their respective evidences. On 16-2-2009 Petitioner called absent while Respondent's counsel is present. In absence of Petitioner or his witness the evidence is closed. Since, there is no evidence from side of the Petitioner Respondent's evidence is also closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 16th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the : Witnesses examined for the

Petitioner Respondent

NIL NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2177.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर फोर्स स्टेशन, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 21/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-14012/20/2008-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S.O. 2177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 21/2009) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Air Force Station and their workman, which was received by the Central Government on 20-07-2009.

[No. L-14012/20/2008-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT NO. I, NEW DELHI
KARKARDOOMA COURT COMPLEX, DELHI**

I.D. No. 21/ 2009

Rajesh Kumar S/o Late Shri Piare Lal
C/o General Mazdoor Lal Jhanda Union,
3, VP House, Rafi Marg,
New Delhi

... Workman

Versus

The Commanding Officer,
25 Wing,
Air Force Station,
Rajokari,
Delhi.

... Management

AWARD

Rajesh Kumar was engaged as a Carpenter, on daily wage basis by Commanding Officer, 25-B, Air Force Station, Rajokari, Delhi. His services were utilized, as and when there was work for him. When work came to an end, he was not engaged by the Commanding Officer Air Force Station, Rajokari, Delhi after 1st of October, 2007. Rajesh Kumar felt aggrieved by the said action and raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings failed the appropriate government referred a dispute to this Tribunal *vide* letter No. L-14012/20/2008-IR (DU) dated 2-3-2009 with the following terms:

"Whether the action of the management of Commanding Officer, 25 Wing, Air Force Station, Rajokari Delhi in terminating the services of their workman Shri Rajesh Kumar S/o Late Shri P. Lal w.e.f. 1-10-2007 is legal and justified. If not, to what relief the workman is entitled to."

2. The appropriate government directed the workman to file his claim statement within a period of 15 days from the date of reference, i.e. 2nd of March, 2009. Despite the directions the workman opted not to file any claim statement.

3. A notice was sent to the workman by registered post on 9-6-09, calling upon him to file his claim statement before this Tribunal. Neither postal article was received back nor anyone appeared on behalf of the workman. Every presumption lies in favour of the fact that Rajesh Kumar was served with the notice. Despite service of the notice Rajesh Kumar opted not to file any claim statement in the matter.

4. Management submitted its written statement to the terms of reference. It was claimed that Indian Air Force is neither an Industry nor Rajesh Kumar was an Industrial Employee. It was agitated that there was no industrial dispute, which could be referred by the appropriate government for adjudication. A claim was made that service of Shri Rajesh Kumar were availed on day to day basis as per availability of the work. When work came to an end, he was not called to render services. There was no obligation on Commanding Officer, Air Force Station, Rajokari Delhi to regularize Rajesh Kumar in the services, by passing Central Government Recruitment Rules. Claim of Rajesh Kumar was devoid of merits and there is no substance in it.

5. As projected Rajesh Kumar was engaged on day to day basis by Commanding Officer, Air Force Station, Rajokari Delhi, as per availability of work. He worked as Carpenter on casual basis. When work came to an end, Rajesh Kumar was not called by the Commanding Officer to render his services. Question for consideration comes as to whether Commanding Officer, 25 Air Force Station, Rajokari Delhi can be called an "Industry." To answer that proposition the court has to see as to whether activities of Air Force Station, Rajokari Delhi satisfies the triple test of systematic activity, co-operation between employer and employee and production of goods and services, as laid down by the Apex Court in Bangalore Water Supply case (AIR 1978 SC 540). Air Force Station Rajokari does not produce goods and render services to the public at large. It does not carry out any systematic activity for the purpose of production of goods or services. Under these situations it would be wrong to say that the activities carried out at Air Force Station, Rajokari, Delhi answers the test of "Industry" as contemplated within the meaning of clause (j) of Section 2 of the Industrial Dispute Act, 1947 (in short the Act).

6. To term the dispute between Rajesh Kumar and the Commanding Officer Air Force, Station Rajokari, New Delhi as an industrial dispute, it is incumbent upon the workman to show that functions performed by the Commanding Officer were not sovereign functions and he was carrying out any business, trade or undertaking, or was rendering service to the public. Admittedly Commanding Officer, Air Force Station, Rajokari, Delhi was carrying out sovereign function of the Government and cannot be called an 'Industry'. Law to this effect was laid in Mohan (1994 ILR 169). When Air Force Station was not an industry, it cannot be said, that dispute between Rajesh Kumar and Commanding Officer, Air Force Station, Rajokari New Delhi was an industrial dispute.

7. Sovereign functions performed by Commanding Officer, Air Force Station, Rajokari, Delhi were perceived by the appropriate Government as 'Industry' within the meaning of clause (j) of Section 2 of the Act, which fact makes it clear that the reference was made without application of mind. There was no industrial dispute between

Shri Rajesh Kumar and the Commanding Officer, Air Force Station, Rajokari, Delhi, which can be referred to this Tribunal Adjudicating clause (d) of sub-section (1) of Section 10 of the Act. Consequently it is concluded that there was no industrial dispute between the parties and as such no adjudication is called for from this Tribunal, to decide as to whether the action of the Commanding Officer in terminating the services of Rajesh Kumar w.e.f. 1-10-07 was legal and justified. In view of these findings no relief is to be according to the workman. Reference is answered accordingly. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 29/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-40025/20/2009-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S.O. 2178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 29/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-40025/20/2009-IR (DU)]

SURENDRA SINGH, Desk Officer
ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 16th day of February, 2009

Industrial Dispute L.C.No. 29/2008

BETWEEN

Sri Chelikani Srinivasa Rao
S/o Late Satyam,
R/o Aswapuram-507116,
Khammam District.

... Petitioner

AND

I. The Managing Director,
Bharat Sanchar Nigam Ltd.,
Sanchar Bhawan, 20,
Ashoka Raod, New Delhi-1

2. The Chief General Manager,
Telecom., BSNL, A.P. Circle,
Door Sanchar Bhawan,
Nampalli, Hyderabad-1.

3. The General Manager
Telecom District, BSNL,
Khammam-507050.

4. The Sub-Divisional Officer,
Telecom. BSNL,
Kothagudem.

... Respondents

APPEARANCES

For the Petitioner : Nil

For the Respondent : Nil

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition to declare the contract of labour supply as fictitious, camouflage, subterfuge, etc., and also declare that the applicant to be employee of the principal employer (BSNL) and to direct the Respondents for conferment of temporary status and regularization to the applicant w.e.f. 1-8-1998 with monetary benefits and with continuity of service and other service benefits.

3. On 3-2-2009 both parties called absent. Since Petitioner is absent and no adjournment application has been moved, as such the case is dismissed in absence of parties. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 3rd day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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Nil	Nil
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Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2179.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान मशीन टूल्स लिमिटेड, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ

संख्या 249/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-42025/7/2009-आई.आर.(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S.O. 2179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 249/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Machine Tools Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-42025/7/2009-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 16th day of February, 2009

Industrial Dispute L.C.No. 249/2004

BETWEEN

Sri D.V. Srinivasa Rao,
S/o D. Sambasivarao,
H. No. 5-7-61, Sanathnagar,
Kukatpally, Hyderabad.

Petitioner

AND

1. The General Manager,
Hindustan Machine Tools Ltd.,
Balanagar, Hyderabad.
2. The Joint General Manager,
(Personnel-in-charge),
Hindustan Machine Tools Ltd.,
Balanagar, Hyderabad

Respondents

APPEARANCES

For the Petitioner : M/s. V.S. Subramanayam and
R.S.S. Reddy, Advocates.

For the Respondent : M/s. P. Nageswar Sree, K.
Raghuram Reddy, Ch. Venkata
Raju and T. Vijaya Rao,
Advocates.

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents against his termination on 20-7-2000. He submitted that he joined the Respondent department as

fitter on 1-2-1995. He prayed this court to set aside the oral termination and direct the Respondents to take him back into service with all consequential benefits.

3. Counter was filed by the Respondents. It is submitted that there is no employer employee-relationship between the Petitioner and the Respondents. The Petitioner was engaged depending upon the exigency work. That no recruitment took place since about 1983. Hence, the petition is liable to be rejected.

4. Parties were directed to produce their respective evidences. On 16-2-2009 Petitioner called absent while Respondent's counsel is present. In absence of Petitioner or his witness the evidence is closed. Since there is no evidence from side of Petitioner Respondent's evidence is also closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 16th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

Nil

Witnesses examined for the
Respondent

Nil

Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान मशीन टूल्स लिमिटेड, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 248/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-42025/8/2009-आई.आर. (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S.O. 2180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 248/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Machine Tools Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-42025/8/2009-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD****Present :** Shri Ved Prakash Gaur, Presiding Officer

Dated the 16th day of February, 2009

Industrial Dispute L.C.No. 248/2004**BETWEEN**Sri K. Ramakrishna,
S/o Veeraiah,
R/o 3-26/2, Gokulnagar,
Gollabasti, Patancheruuvu,
Medak District.

... Petitioner

AND

1. The General Manager,
Hindustan Machine Tools Ltd.,
Balanagar, Hyderabad.
2. The Joint General Manager,
(Personnel-in-change),
Hindustan Machine Tools Ltd.,
Balanagar, Hyderabad

... Respondents

APPEARANCES:**For the Petitioner :** M/s. V.S. Subramanayam and
R.S.S. Reddy, Advocates.**For the Respondent :** M/s. P. Nageswar Sree,
K. Raghuram Reddy,
Ch. Venkata Raju and T. Vijaya
Rao, Advocates.**AWARD**

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents against his termination in January, 1996. He submitted that he joined the Respondent department as helper in the year, 1980. He prayed this court to set aside the oral termination and direct the Respondents to take him back into service with all consequential benefits.

3. Counter was filed by the Respondents. It is submitted that there is no employer employee relationship between the Petitioner and the Respondents. The Petitioner was engaged depending upon the exigency work. That no recruitment took place since about 1983. Hence, the petition is liable to be rejected.

4. Parties were directed to produce their respective evidences. On 16-2-2009 Petitioner called absent while Respondent's counsel is present. In absence of Petitioner or his witness the evidence is closed. Since there is no evidence from side of Petitioner Respondent's evidence is also closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 16th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence**Witnesses examined
for the Petitioner**

Nil

**Witnesses examined for the
Respondent**

Nil

Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2181.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान मशीन टूल्स लिमिटेड, के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी 247/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-42025/9/2009-आई.आर.(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S.O. 2181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 247/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Machine Tools Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-42025/9/2009-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD****Present :** Shri Ved Prakash Gaur, Presiding Officer

Dated the 16th day of February, 2009

Industrial Dispute L.C.No. 247/2004**BETWEEN**Sri P. Satyanarayana,
S/o P. Kondayya,
R/o 5-740, Bhavaninagar,
Old Alwal, Hyderabad.

... Petitioner

AND

1. The General Manager,
Hindustan Machine Tools Ltd.,
Balanagar, Hyderabad.

2. The Joint General Manager,
(Personnel-in-charge),
Hindustan Machine Tools Ltd.,
Balanagar, Hyderabad ... Respondents

APPEARANCES

For the Petitioner : M/s. V.S. Subramanayam and
R.S.S. Reddy, Advocates.

For the Respondent : M/s. P. Nageswar Sree, K.
Raghuram Reddy, Ch. Venkata
Raju and T. Vijaya Rao,
Advocates.

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents against his termination in 20-2-1997. He submitted that he joined the Respondent department as electrician on 19-11-1991. He prayed this court to set aside the oral termination and direct the Respondents to take him back into service with all consequential benefits.

3. Counter was filed by the Respondents. It is submitted that there is no employer employee relationship between the Petitioner and the Respondents. The Petitioner was engaged depending upon the exigency work. That no recruitment took place since about 1983. Hence, the petition is liable to be rejected.

4. Parties were directed to produce their respective evidences. On 16-2-2009 Petitioner called absent while Respondent's counsel is present. In absence of Petitioner or his witness the evidence is closed. Since there is no evidence from side of Petitioner Respondent's evidence is also closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assitant transcribed by her corrected and pronounced by me on this the 16th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
Nil	Nil

Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2182.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान

मशीन टूल्स लिमिटेड, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी 250/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-42025/6/2009-आईआर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S.O. 2182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 250/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Machine Tools Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-42025/6/2009-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 16th day of February, 2009

Industrial Dispute L.C.No. 250/2004

BETWEEN

Sri P.V. Satyanarayana,
S/o Satyanarayana,
R/o LIG-88, Dharmareddy Colony,
Phase-I, Kukatpally, Hyderabad.

... Petitioner

AND

1. The General Manager,
Hindustan Machine Tools Ltd.,
Balanagar, Hyderabad.

2. The Joint General Manager,
(Personnel-in-charge),
Hindustan Machine Tools Ltd.,
Balanagar, Hyderabad

.... Respondents

APPEARANCES:

For the Petitioner : M/s. V.S. Subramanayam and
R.S.S. Reddy, Advocates.

For the Respondent : M/s. P. Nageswar Sree, K.
Raghuram Reddy, Ch. Venkata
Raju and T. Vijaya Rao,
Advocates.

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated

3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents against his termination on 20-9-1999. He submitted that he joined the Respondent department as fitter on 1-3-1993. He prayed this court to set aside the oral termination and direct the Respondents to take him back into service with all consequential benefits.

3. Counter was filed by the Respondents. It is submitted that there is no employer employee relationship between the Petitioner and the Respondents. The Petitioner was engaged depending upon the exigency work. That no recruitment took place since about 1983. Hence, the petition is liable to be rejected.

4. Parties were directed to produce their respective evidences. On 16-2-2009 Petitioner called absent while Respondent's counsel is present. In absence of Petitioner or his witness the evidence is closed. Since there is no evidence from side of Petitioner, Respondent's evidence is also closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 16th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
Nil	Nil

Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2183.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. प्रागा टूल्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी 256/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-42025/5/2009-आईआर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S.O. 2183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 256/2004) of the Central Government Industrial

Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Praga Tools Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-42025/5/2009-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 5th day of February, 2009

Industrial Dispute L.C.No. 256/2004

BETWEEN

Sri D. Venkata Reddy,
'S/o D. Narayana Reddy,
R/o H. No. 219, L.I.G.H. Bharath
Nagar Colony, Sanath Nagar, I.E. (P.O.)
Hyderabad-500018.

... Petitioner

AND

The Managing Director,
M/s. Praga Tools Limited,
(A public sector undertaking,
under the M/o Heavy
Industries and Public
Enterprises, a subsidiary Unit of HMT Ltd.)
Kavadiyuda, Secunderabad-500080

... Respondent

APPEARANCES

For the Petitioner	: M/s. B.G. Ravindra Reddy, P. Srinivasulu and B.V. Chandra Sekhar, Advocates
For the Respondent	: M/s. P. Nageswar Sree, K. Raghurama Reddy, Ch. Venkata Raju and T. Vijaya Rao, Advocates.

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents against his termination w.e.f. 21-10-1987. He submitted that he was appointed in the Respondent department as casual clerk on 26-8-1986 without any appointment order. That though he worked continuously till 21-10-1987, he was not allowed to join his duties w.e.f. 21-10-1987. Hence, he prayed this court to direct the Respondents to take him back into service with all consequential benefits.

3. Counter was filed by the Respondents. It is submitted that the petitioner was engaged on casual basis w.e.f. August, 1986 in exigency of work. It is submitted that the Petitioner approached this tribunal after a gap of 19 years of his alleged termination dated 21-10-1987. Hence, the petition be dismissed.

4. Parties were directed to produce their respective evidences. Petitioner filed his evidence affidavit. On 5-2-2009, Petitioner called absent while Respondent's counsel present. Petitioner is not present for cross-examination, as such the evidence of Petitioner is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 5th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1 : Shri D. Venkata Reddy Nil

Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 20 जुलाई, 2009

का. आ. 2184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 56/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-40025/19/2009-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S. O. 2184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 56/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Posts and their workmen, which was received by the Central Government on 20-7-2009.

[No. L-40025/19/2009-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 12th day of February, 2009

Industrial Dispute L.C. No. 56/2007

BETWEEN

Sri U. Devasundaram,
S/o U. Giddaiah,
C/o M/s. M. Venkanna,
Advocate,
2nd floor, Bhagyanagar Junior
College, Vegetable Market Road,
Nallakunta, Hyderabad.

.....Petitioner

AND

1. The Chief Postmaster General,
A.P. Circle, Hyderabad-1.

2. The Postmaster General,
Kurnool Region, Kurnool-5.

3. The Supdt. of Post Offices,
Kurnool Division, Kurnool-1.

4. The Head Post Master,
Kurnool Head Post Office,
Kurnool-1.

.... Respondents

APPEARANCES

For the Petitioner : Ms. M. Venkanna, Dr.
Raghu Kumar and B. Pavan
Kumar, Advocates

For the Respondent : M/s. P. Ravinder Reddy and
M. Mallikarjun, Advocates

AWARD

This is a case taken under Sec. 2A (2) of the I D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents against his termination dated 30-4-1988(AN). He submitted that he was appointed in the Respondent department to the post of Contingent Part Time Chowkidar (Day time), Kurnool Head Post Office w.e.f. 25-7-1981. As per the Hon'ble Central Administrative Tribunal order dated 10-6-1988, he continued till 9-5-1998. Hence, he prayed this court to direct the Respondents to take him back into service with all consequential benefits.

3. Counter was filed by the Respondents. It is submitted that the Petitioner was engaged as part time day watchman, Kurnool H.P.O. on 25-7-1981 and discharged duties upto 9-5-1998 and that this contingent arrangement is purely temporary. The Respondent quoted different letters/circulars of Respondent, and orders of Hon'ble Central Administrative Tribunal.

4. Parties were directed to produce their respective evidences. On 12-2-2009 Petitioner called absent while Respondent's counsel present. Since Petitioner is absent and no adjournment application has been moved, as such the evidence of Petitioner is closed. Since there is no evidence on behalf of Petitioner, Respondent is also not willing to file evidence. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Pahani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 12th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 जुलाई, 2009

का. आ. 2185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 72/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-40025/18/2009-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S. O. 2185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 72/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure

in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 20-7-2009.

[No. L-40025/18/2009-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 24th day of June, 2009

Industrial Dispute L.C. No. 72/2005

BETWEEN

Sri G. Satish,
S/o Deshram,
R/o 4-5-296/4, Valmiki Nagar,
Karimnagar.

...Petitioner

AND

The Sub-Divisional Officer (SDOP-I),
Telecom, Telephone Bhavan,
Old Building, Karimnagar

...Respondent

APPEARANCES

For the Petitioner : Sri K. Srinivasa Rao, Advocate

For the Respondent : Sri Karoor Mohan, Advocate

AWARD

Sri G. Satish has filed this petition under Sec.2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others challenging his disengagement dated 1-8-2003 as illegal, arbitrary and violative of principles of natural justice and for his reinstatement in the service with full back wages.

2. It has been alleged by the Petitioner that he joined in the service of the Respondent organization as scavenger in the year 1984 and he worked continuously till his services were terminated w.e.f. 1-8-2003 without assigning any reason or without issuing any notice. He alleged that he used to work from 6 AM to 11 AM his nature of duty was cleaning of the premises and scavenging work. Though the Petitioner has been reporting for the duty but the Respondent has prevented the Petitioner from entering into the premises of the Respondent. That amounts to oral termination which is illegal and unjust and violative of principles of natural justice.

3. Respondent has filed counter statement wherein they have alleged that the Petitioner neither worked since 1984 continuously nor he was terminated on 1-8-2003. Neither Petitioner ever reported for duty nor he was ever prevented from entering into the premises of the Respondent management. Petitioner has got no legal right to seek regularization. No illegality has been committed by the Respondent.

4. Parties were directed to produce their evidence. Petitioner G. Satish has filed his affidavit and presented himself for cross examination.

5. On the date of argument, neither the parties nor their counsels appeared, as such, arguments has been closed. I have gone through the claim petition, counter statement and evidence of the Petitioner. The Petitioner has filed service certificate Ex. W2 and W3 to prove that he has worked w.e.f. January, 1992 to June, 1994 and July, 1994 to May, 1998 at Old Telegraph Exchange, Karimnagar. However, the department alleges that the Petitioner has never worked in the department. The Respondent has challenged this service certificate and they have suggested that last line in the alleged service certificate has been typed afterwards by another machine, though the Petitioner has denied to this suggestion, but a look at the service certificate goes to show that the content "and the payment was made by ACG-17" was typed by another machine in all the three service certificates who has issued this certificate has not been proved by the Petitioner. The Petitioner himself has admitted that he has not filed any appointment letter or termination order.

6. Though he has denied the suggestion that he was not engaged by the department nor he worked under the department but he has not produced any certificate or any document to show that he has worked in the department of Sub-Divisional Officer, Telecom Old Building for any stretch of the time or he has been disengaged by any oral order. As such, he has not been able to prove either his appointment or his termination by the department and he can not claim any relief on hypothetical statement. Petitioner is not entitled for any relief. Petition deserves to be dismissed and accordingly it is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 24th day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

WW 1: Sri G. Satish

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

- Ex. W1: Copy of representation given to SDO,
Karimnagar dtd. 18-11-2000
Ex. W2: Service certificate dtd. 20-11-2000
Ex. W3: Service certificate dtd. 22-11-2000
Ex. W4: Service certificate dtd. 31-12-1985
Ex. W5: Copy of legal notice dtd. 22-6-2005

Documents marked for the Respondent

NIL

नई दिल्ली, 20 जुलाई, 2009

का. आ. 2186.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 69/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-40025/17/2009-आईआर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S. O. 2186.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 69/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-40025/17/2009-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 23rd day of March, 2009

Industrial Dispute L.C. No. 69/2006

BETWEEN

Sri Akula Mallesham,
S/o Narasaiah,

C/o A. Sarojana, Advocate,
Flat No.G-7, Rajeshwari Gayatri Sadan,
Opp: Badruka Girls Jr. College,
Kachiguda, Hyderabad.

...Petitioner

AND

1. The General Manager,
Bharat Sanchar Nigam Ltd.,
Southern Telecom Region,
6-1-85/10, Sai Nilayam, Saifabad,
Hyderabad.
2. The Divisional Engineer,
Bharat Sanchar Nigam Ltd.,
Southern Telecom Region,
Karimnagar.
3. The Sub Divisional Engineer,
Bharat Sanchar Nigam Ltd.,
Southern Telecom Region,
Old Telephone Exchange Building,
Karimnagar.

...Respondents

APPEARANCES

For the Petitioner: M/s. A. Sarojana and K. Vasudeva Reddy,
Advocates

For the Respondent: Sri R.S. Murthy, Advocates

AWARD

This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition stating that he worked as full time mazdoor in the office of the 3rd Respondent from July, 2001 onwards to 30-4-2005 and from 1-5-2005 he was disengaged orally. He requested to direct the management to reinstate him with back wages and all attendant benefits.

3. Respondents filed counter denying averments made by the Petitioner. It is submitted that the Petitioner was never engaged by the bank. That there is no scope to engage him in the name of M. Rangaiah and pay him the wages is against departmental rules. Hence, it is prayed to dismiss the petition.

4. Parties were directed to adduce their respective evidences. On 16-2-2009 Petitioner called absent while Respondent's counsel is present. There is none to file affidavit on behalf of Petitioner as such, Petitioner's evidence is closed. Hence, Nil Award is passed in absence of any evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 23rd day of March, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 जुलाई, 2009

का. आ. 2187.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 10/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-40025/16/2009-आई. आर. (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S. O. 2187.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 10/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 20-7-2009.

[No. L-40025/16/2009-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 2nd day of February, 2009

Industrial Dispute L.C. No. 10/2002

(Old I.D. No. 44/99 Transferred from Industrial Tribunal cum Labour Court, Visakhapatnam)

BETWEEN

Sri Sarika Sanyasi Rao,
C/o Sri Rapeti Rama Rao,
Advocate,
D.No.14-2-10, Kaspa Street,
Anakapalle.

...Petitioner

AND

1. The Chief General Manager,
Telecom, A.P.,
Hyderabad .

2. The Sub-Divisional Officer,
Telecommunications,
Chodavaram.

Visakhapatnam District.

... Respondent

APPEARANCES

For the Petitioner: M/s. A. Venkateswara Rao &
Rapeti Rama Rao, Advocates

For the Respondent: M/s M. Ramkoti &
M. Madhava Rao, Advocates

AWARD

This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No.H-11026/1/2001 IR(C-II) dated 18-10-2001 bearing I.T.ID. No.44/1999 and renumbered in this Court as L.C.I.D.No. 10/2002.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating his services w.e.f. 30-8-84 without any notice or order. He stated that he joined in the Respondent organization w.e.f. 1-2-1984 and he worked without break for six months. He prayed this court to direct the Respondent to reinstate him with back wages, continuity of service etc.

3. A counter was filed denying the allegations made by the Petitioner in the claim petition. It is submitted that the workman is a casual employee on daily wages only. Hence, the petition be dismissed.

4. Petitioner filed rejoinder reiterating the facts mentioned in his petition. Parties were asked to produce their respective evidences. Petitioner filed his chief examination affidavit as WW1 and marked documents

Ex.W1 to W8. Ex.W1 is the copy of the Lawyer's notice and Ex. W2 to W8 are original copies of the muster roll note book. Petitioner was cross examined and case is fixed for further evidence of Petitioner. Sri M. Naveen Kumar, R/o Gopala Patnam was examined as WW2 and cross examined by the Respondent. Management filed affidavit as examination in chief of Sri U. Rama Krishna, Sub-Divisional Engineer.

5. On 2-2-2009, when case is called for cross examination of MWI, both parties called absent. Ordersheet transpires that Petitioner as well as Respondent are not attending to this case for last three years, as such evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 2nd day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1: Sri Sariki Sanyasi Rao	MWI: Sri U. Rama Krishna
WW2: Sri M. Naveen Kumar	

Documents marked for the Petitioner

Ex.W1:	Copy of Lawyer's notice
Ex.W2 to W8:	Original muster roll note book issued by SDOT, Chodavaram.

Documents marked for the Respondent

NIL

नई दिल्ली, 20 जुलाई, 2009

का. आ. 2188.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 209/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-40025/15/2009-आईआर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S. O. 2188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID

209/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-40025/15/2009-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of February, 2009

Industrial Dispute L.C. No. 209/2004

BETWEEN

Sri P. Bhaskar Rao,
S/o P.N. Murthy,
C/o M/s. M. Panduranga Rao,
Advocate, H.No.2-2-18/40/10,
DD Colony, Bagh Amberpet,
Hyderabad.

...Petitioner

AND

1. The Chief General Manager,
Telecom, BSNL, A.P. Circle,
Door Sanchar Bhawan,
Nampalli, Hyderabad -1.

2. The General Manager,
O/o General Manager,
Telecom District, BSNL,
Visakhapatnam.

... Respondents

APPEARANCES

For the Petitioner : M/s. M. Panduranga Rao &
M. Srikanth, Advocates

For the Respondent : Sri V. Rajeswara Rao, Advocate

AWARD

This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents against his termination w.e.f. 31-8-2002. He submitted that he joined the Respondent department as

casual mazdoor in September, 1997 at Hyderabad and later he was transferred to Visakhapatnam in January, 1999 and worked upto 31-8-2002. He prayed this court to set aside the oral termination and direct the Respondents to take him back into service with all consequential benefits.

3. Counter was filed by the Respondents. It is submitted that there is no documentary proof regarding Petitioner's appointment or termination. That the department used to engage casual labour for intermittent works at installation wing of the department on daily wages. No casual labour has completed 240 days in a calendar year. Hence, the petition be dismissed.

4. Parties were directed to produce their respective evidences. Petitioner filed his evidence affidavit in 2006. On 17-2-2009 both parties called absent. Since Petitioner is not present for cross examination as such the evidences of parties are closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 17th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

WWI: Sri P. Bhaskar Rao

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 जुलाई, 2009

का. आ. 2189.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 210/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-40025/14/2009-आईआर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S. O. 2189.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID

210/2004) of the Central Government Industrial Tribunal - cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 20-7-2009.

[No. L-40025/14/2009-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of February, 2009

Industrial Dispute L.C. No. 210/2004

BETWEEN

Sri G. Durga Pratap,
S/o Prabhakara Rao,
C/o M/s. M. Panduranga Rao,
Advocate, H.No.2-2-18/40/10,
DD Colony, Bagh Amberpet,
Hyderabad.

...Petitioner

AND

1. The Chief General Manager,
Telecom, BSNL, A.P. Circle,
Door Sanchar Bhawan,
Nampalli, Hyderabad -1.

2. The General Manager,
O/o General Manager,
Telecom District, BSNL,
Visakhapatnam.

...Respondents

APPEARANCES

For the Petitioner : M/s. M. Panduranga Rao &
M. Srikanth, Advocates

For the Respondent : Sri V. Rajeswara Rao, Advocate

AWARD

This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents against his termination in August, 2003. He submitted that he joined the Respondent department as

casual mazdoor in September, 1997 at Hyderabad and later he was transferred to Visakhapatnam on 1-12-1998 and worked upto August, 2003. He prayed this Court to set aside the oral termination and direct the Respondents to take him back into service with all consequential benefits.

3. Counter was filed by the Respondents. It is submitted that there is no documentary proof regarding Petitioner's appointment or termination. That the department used to engage casual labour for intermitent works at installation wing of the department on daily wages. No casual labour has completed 240 days in a calendar year. Hence, the petition be dismissed.

4. Parties were directed to produce their respective evidences. Petitioner filed his evidence affidavit in 2006. On 17-2-2009 both parties called absent. Since Petitioner is not present for cross-examination as such the evidences of parties are closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant transcribed by her, corrected and pronounced by me on this the 17th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

Witnesses examined for
the Respondent

WW 1: Sri G. Durga Pratap NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 जुलाई, 2009

का. आ. 2190.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 224/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-40025/13/2009-आईआर(डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S. O. 2190.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. LCID 224/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-40025/13/2009-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of February, 2009

Industrial Dispute L.C. No. 224/2004

BETWEEN

Sri K. Babulal,
S/o K. Ramulu,
C/o M/s. M. Panduranga Rao ,
Advocate,
H.No.2-2-18/40/20, DD Colony,
Bagh Amberpet, Hyderabad .

..Petitioner

AND

1. The Chief General Manager,
Bharat Sanchar Nigam Ltd.,
Door Sanchar Bhawan, Nampally,
Station Road, Hyderabad .
2. The Deputy General Manager,
Installations, Appointment Circle,
Bharat Sanchar Nigam Ltd., Nampally,
Station Road, Hyderabad .

..Respondents

APPEARANCES

For the Petitioner : M/s. M. Panduranga Rao &
M. Srikanth, Advocates

For the Respondent : Sri V. Rajeswara Rao, Advocate

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents

in terminating him. He submitted that he was engaged as casual mazdoor by the Telecom department in the month of June, 1997 and from 2-2-2001 he was engaged as Motor Driver. It is submitted that he was orally terminated on 4-6-2004. He prays this court to direct the Respondent to reinstate him into service with full back wages and other attendant benefits.

3. As against this, the Respondent filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was engaged on casual basis from June, 1997. It is submitted that pursuant to instructions contained in Lr. No.270-6/84-STN dated 30-3-1985, Respondent stopped engagement of casual labour from 1-4-1985 and the Petitioner might have been taken for a particular work and for a particular period on casual basis. Hence, the petition be dismissed.

4. Parties were directed to produce evidence in support of their respective contentions. Petitioner filed his chief examination affidavit and got marked Ex.W1 to W6 documents and he was cross examined by the Respondent.

5. On 17-2-2009 both parties called absent. Witness also absent as such, evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 17th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW 1: Sri K. Babulal	NIL

Documents marked for the Petitioner

Ex.W1: Copy of certificate dt.5-9-2001
Ex.W2: Copy of certificate dt.15-7-2002
Ex.W3: Copy of Lr. No.T A/T1-HD/BSNL/G-1/02-03/12 dated 31-1-2003
Ex.W4: Copy of certificate dated 10-5-2003
Ex.W5: Copy of certificate dated 14-6-2004
Ex.W6: Vehicle logbook

Documents marked for the Respondent

NIL

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2191.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 211/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-40025/12/2009-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S.O. 2191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.211/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 20-7-2009.

[No. L-40025/12/2009-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of February, 2009

Industrial Dispute L. C. No. 211/2004

BETWEEN

Sri Y. Srinivasa Rao,
S/o Subba Rao,
C/o M/s. M. Panduranga Rao,
Advocate, H. No. 2-2-18/40/10,
DD Colony, Bagh Amberpet,
Hyderabad.

....Petitioner

AND

1. The Chief General Manager,
Telecom, BSNL, A.P. Circle,
Door Sanchar Bhawan,
Nampalli, Hyderabad-1.
2. The General Manager,
O/o General Manager,
Telecom District, BSNL,
Visakhapatnam.

....Respondent

APPEARANCES

For the Petitioner : M/s. M. Panduranga Rao &
M. Srikanth, Advocates

For the Respondent : Sri V. Rajeswara Rao,
Advocate

AWARD

This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents against his oral termination dated 15-3-2002. He submitted that he joined the Respondent department as casual mazdoor in August, 1997 at Hyderabad and later he was transferred to Visakhapatnam on 31-12-99 and worked upto 15-3-2002. He prayed this court to set aside the oral termination and direct the Respondents to take him back into service with all consequential benefits.

3. Counter was filed by the Respondents. It is submitted that there is no documentary proof regarding Petitioner's appointment or termination. That the department used to engage casual labour for intermittent works at installation wing of the department on daily wages. No casual labour has completed 240 days in a calendar year. Hence, the petition be dismissed.

4. Parties were directed to produce their respective evidences. On 17-2-2009 both parties called absent. Since Petitioner is absent and no adjournment application has been moved, as such the evidence is closed. Hence, Nil Award is passed in absence of parties.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 17th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 जुलाई, 2009

का.आ. 2192.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थ ईस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 61/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2009 को प्राप्त हुआ था।

[सं. एल-41012/43/2000-आईआर(बी1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th July, 2009

S.O. 2192.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 61/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of North Eastern Railway and their workman, which was received by the Central Government on 20-7-2009.

[No. L-41012/43/2000-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Present : N. K. Purohit, Presiding Officer

I.D. No. 61/2000

Ref. No. L-41012/43/2000/IR(B-I)

dated : 17-08-2000

BETWEEN

Shri Jagan Nath
S/o Shri Madhoram
R/o Dharaincha Bazar, Sitapur

AND

1. The Divisional Railway Manager,
North Eastern Railway,
DRM Office, Ashok Marg,
Lucknow
2. The Assistant Engineer,
AEN Office, Sitapur

AWARD

30-06-2009

1. By order No. L-41012/43/2000/IR(B-I) dated: 17-08-2000 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause

(d) of sub-section (1) and sub-section (2A) of Section, 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Jagan Nath S/o Shri Madhoram, R/o Dharaincha Bazar, Sitapur and the Divisional Railway Manager, North Eastern Railway, DRM Office, Ashok Marg, Lucknow and the Assistant Engineer, AEN Office, Sitapur for adjudication.

2. The reference under adjudication is :

“Whether the Action of North Eastern Railway in Terminating the services for Shri Jagan Nath, Casual Khallasi from 01-07-1984 was Legal and Justified ? If not what relief the workman is entitled to ?”

3. In brief, the workman's case is that he was initially appointed as casual Khalasi on 16-08-1976 under IOW, Sitapur. He performed duties up to 30-06-1984 at Sitapur and his total working days in total service come to 751 days. He has already completed more than 120 days continuous service before 01-07-1984 and as such he has acquired status of temporary railway servant much before 01-07-1984 and thus, his services would not be disengaged w.e.f. 01-07-1984 by DRM, NER, Lucknow without following the provisions of Industrial Disputes Act, 1947. He has also stated that neither the work has stopped nor there has been shrinkage of cadre. He has alleged that no seniority was displaced before his retrenchment. Neither any seniority list was prepared nor the first come last go rule was observed. Various juniors to the workman have been given appointment. His termination is in violation of Rule 149 of Railway Establishment Code Vol. I and Section 25 F, G, H of the I.D. Act. The workman has further stated that he made several representations to the concerned authorities but the opposite party did not give any response.

4. The workman has further submitted that he was not sufficiently literate to understand the implications of the delay, therefore, he approached to concerned officials during intervening period but the administration did not reply. In between he also suffered from various ailments; as such he had great difficulty in collecting money for taking proper legal steps in raising industrial dispute. In such circumstances the delay in raising the dispute be condoned. He has alleged that matter has been delayed on account of the opposite party.

5. The opposite party in its written statement besides denying the claim of the workman, has raised preliminary objection regarding his initial engagement as casual labour on 16-08-1976 and has submitted that the same is not factually correct as verified from records of the concerned working unit. Thus, his claim be rejected for claiming wrong particulars. It is further stated that the claim is lawfully time barred and not maintainable on any score. It has been submitted that due to abnormal long intervening period of time since 17-08-76 no relevant record can be possible to

locate, moreover, as per directions of the Railway Board, Ministry of Railway vide their circular dated 22-11-1984 no casual labour is entitled to any relief if he has not worked on Railway again in the preceding two complete calendar years.

6. In rejoinder, the workman besides reiterating his earlier averments made in the statement of claim, has also stated that Casual Labour Card was issued to him wherein actual working days have been mentioned deliberately and malafidely and their artificial breaks have been given. Actual period of working can be verified from attendance register, live register, muster roll and pay slips. He has further stated that his name is mentioned at SL. No. 18 in the list of year 1981 for casual labourers working in Section Engineer (Works), Sitapur. In the said list working days of the workman has been verified on 24-10-96 by Section Engineer (Works) on the basis of live register in pursuance to circular of Railway Board for re-absorption.

7. In support of his claim the workman has examined himself as witness; whereas in rebuttal the management has examined Sh. S.N. Bajpai, Asstt. Divisional Engineer, NER. Both the sides have also produced documents in support of their respective cases.

8. Heard the arguments advanced by the learned representative of both the sides and perused the relevant records.

9. Learned representative on behalf of the workman has contended that from the oral statement of the workman and Casual Labour Card issued to the workman, it is well proved that workman had worked as Khalasi from 16-08-1976. As per list of casual workers in the year 1981 the name of the workman is at SL. No 18 and his date of engagement has been mentioned as 16-05-78 and it has also been shown that total working days at that time to be 751. He has further argued that the workman had worked continuously for 120 days during the period 16-05-1976 to 16-09-78 thus; he had acquired the temporary status as per provisions of the Railway Manual. Moreover, the workman has also worked for more than 240 days in each year during the said period 16-5-1976 to 30-6-84. Thus, his termination is arbitrary and illegal and in violation of Section 25 F, G, H of the I.D. Act. He has further contended that on the basis of delay claim cannot be rejected. The provision of Limitation Act are not applicable in the matter of industrial dispute. Moreover, workman has explained the reasons for the delay. In support of his contention he has also placed reliance on the following case law :

- (i) 1981 SCC (L&S) 478 Mohan Lal Vs M/s. Bharat Electronics Ltd.
- (ii) 1976 SCC (L&S) 132 State Bank of India Vs. N. Sundara Money.

- (iii) 1985 SCC (L&S) 975 H.D. Singh Vs. Reserve Bank of India & others.
- (iv) 2001 (88) FLR 508 Deep Chandra Vs. State of U.P. & another.
- (v) 2001 (88) FLR 274 M/s. Scooters India Ltd. Vs. M. Mohammad Yaqub & another.
- (vi) 2001 (19) LCD 116 Sitapur Eye Hospital, Faizabad & another Vs. Industrial Tribunal (II) UP, Lucknow & another.
- (vii) 1992 SCC (L&S) 611 UoI & others Vs. Basant Lal & others. New
- (viii) 1999 SCC (L&S) 1054 Ajaib Singh Vs. Sirhind Co-operative Marketing-cum-Processing Service Society Limited & another.

10. Per contra, the learned representative on behalf of the opposite party, has argued that on the directives issued by the CPO, NER, Gorakhpur a list of persons was prepared on the basis laid down for re-absorption of the casual labour/substitute to ascertain if there was any use in future when need arise, 61 out of such workers were reabsorbed, the workman could not be found eligible as he was not on rolls on the date of screening, therefore, his name cannot be considered as per direction and policy of Headquarter. He has further argued that due to large number of candidates on various quota, further screening have been kept in abeyance as per direction dated 29-3-01/20-4-01. He has also contended that merely on the ground of inordinate delay in raising industrial dispute the workman's claim is liable to be rejected. He has further argued that the workman has abandoned his engagement himself. He has furthermore argued that due to abnormal delay his claim is not tenable in the light of verdict of Hon'ble Supreme Court dated 13-5-93 in Civil Writ Petition No. 71/92.

11. The contention of the learned representative of the management that due to long abnormal intervening period of 25 years the claim of the workman is liable to be rejected in view of the verdict of Hon'ble Supreme Court dated 13-5-93 in Writ Petition (Civil) 71/92 Ratan Chandra Sammanta & others Vs. UoI & others is not sustainable. The management has produced an uncertified copy of said judgment. Moreover, the facts of the said case laws were different. This question was not under consideration whether provisions of limitation are applicable in the matter of industrial disputes. In 1999 SCC (L&S) 1054 relied by learned representative of the workman, Hon'ble Apex Court has observed that employer's plea of delay in seeking reference unless causing real prejudice to him is not sufficient to deny relief to the workman. Hon'ble Apex Court has further observed that :

"The provisions of Article 137 of the Limitation Act, 1963 are not applicable to the proceedings under

the Industrial Disputes Act. The relief under the Act cannot be denied to the workman merely on the ground of delay. The delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the Labour Court can be generally questioned on the ground of delay alone. Even in a case where the delay is shown to be existing, the tribunal, labour court or board, dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/termination or dismissal. The court may also in appropriate cases direct the payment of part of the back wages instead of full back wages."

12. In the present case the workman has alleged that his services have been terminated in the year 01-07-1984 whereas in present reference under adjudication the industrial dispute has been raised after lapse of 14 years. The reasons given for inordinate delay that despite several representations being submitted by the workman, the concerned management of railway did not give any response and other reasons such as his financial condition, his illness and other constraints due to which he could not raise present dispute are not cogent and satisfactory. The copies of representations said to be sent to the railway authorities have not been produced. He has produced only photocopies of some UPCs, postal receipts which are not legible. Although explanation given by the workman for delay of such a long period is not plausible, but in light of

principle laid by the Hon'ble Apex Court, the claim of the workman may not be rejected merely on the plea of delay.

13. The questions which arise for consideration are as to whether the workman has continuously worked for more than 240 days in the preceding 12 months from the date of his alleged termination and whether he had worked continuously more than 120 days and acquired temporary status as claimed by him ?

14. The workman in his statement on affidavit has stated that he was employed as casual Kahalasi on 16-08-1976 and had worked as such continuously from 16-08-1976 to 30-6-84 and his services have been terminated orally w.e.f. 01-07-84 without any notice or compensation. He has further stated that he had worked for 751 days as shown in list of casual workers in the year 1981 under Section Engineer (Works), Sitapur. To substantiate his claim he has produced his original Casual Labour Card and copies of list of year 1981 pertaining to Casual worker working under Section Engineer (Works), NER, Sitapur.

15. The management witness Sh. S. N. Bajpai, Asstt. Engineer, NER, Sitapur has admitted in his cross-examination that as per record available the workman has worked from 16-8-76 to December, 78; out of which working w.e.f. May, 78 to December, 78 is certified. He has also stated that he himself has certified 235 days' working in respect of the workman upto December, 78.

16. The details of working days and period mentioned in his Casual Labour Card as under:

Casual Labour Card			
Date of initial employment 16-8-1976			
From	To	Period	Total Days
16-8-76	15-9-76	31 days	—
May, 78	December, 78	205 days	—
*		Total upto 31-12-78	0 yr 6 mth 22 days
		Total upto 30-6-79	0 yr 9 mth 26 days
1-7-79	31-9-79	79 days	—
		Total upto 31-12-79	1 yr 0 mth 15 days
1-1-80	30-6-80	138 days	0 yr 4 mth 18 days
		Total upto 30-6-80	1 yr 5 mth 03 days
1-7-80	31-10-80	84 days	—
		Total upto 31-10-80	602 days
18-8-82	15-11-82	88 days	—
		Total upto 15-11-82	719 days
1-1-84	30-6-84	32 days	—
Total upto 30-6-84			751 days

17. In 1991 SCC L&S 478 Hon'ble Apex Court has held that termination simpliciter of a temporary workman, not falling within the excepted or excluded categories mentioned in section 2 (oo) would amount to retrenchment and if immediately preceding the date of termination of service, such workman actually worked for not less than 240 days within a period of 12 months, he will be deemed to be in continuous service for one year under section 25-B(2) (a)(ii) and termination of his services without complying with Section 25-F would render the order of termination void-ab-initio. In 1976 SCC L&S 132 the Hon'ble Apex Court has held that in Section 2(oo), the words 'termination..... for any reason whatsoever' are the key words, whatever the reason, every termination spells retrenchment. In 1985 SCC (L & S) 975, in the matter of Tikka Mazdoor, Hon'ble Apex Court observed that striking off name of the Tikka Mazdoor from rolls who have worked for more than 240 days amounts to retrenchment covered by Section 25-F. In other case laws cited by the learned representative on behalf of the workman it has been observed that if a workman has worked for more than 240 days in the required period he cannot be retrenched without complying the provisions of Section 25-F of the I.D. Act.

18. Thus, it is settled legal position that if a workman has worked for 240 days in preceding 12 months from date of his alleged termination, his services cannot be terminated without compliance of section 25-F.

19. But in present case upon a perusal of the entries made in the Casual Labour Card, it is not evident that the worker had worked continuously for 240 days during preceding 12 months from the date of his alleged termination i.e. 1-7-1984. As per entries in Casual Labour Card the workman had worked for 32 days only during said twelve months. Thus, the workman has failed to prove that he had worked for 240 days in the said period.

20. The learned representative on behalf of the workman has contended that as per circulars of NER an open line casual labourer is to be granted temporary status on completion of 120 days of continuous service and in calculating the above period, unauthorized absence of three days and authorized absence of 20 days is not to be considered as break in casual labourer's service. He has further contended that the workman had continuously worked for 120 days but the management has deliberately shown artificial breaks in the Casual Labour Card to deprive the workman for grant of temporary status. He has further contended that during period 16-05-78 to 16-09-78 the workman had worked for 123 days and it should be presumed that he had worked continuously for 120 days during said period.

21. In 1992 SCC (L&S) 611 relied by the learned representative on behalf of the workman, Hon'ble Apex Court has also observed that the casual labourer employed by railway who had continuously worked for more than

120 days are entitled to be regularized as temporary workman and railway cannot deny them temporary status on ground that they have been employed as casual labourer in a project work and not in construction work in open line as such they acquire temporary status on completion of 360 days.

22. It is not disputed that casual labourers who have worked continuously for 120 days in open line acquire temporary status and they will be entitled to rights and privileges admissible to the temporary status railway servants as laid down in Clause XXIII of the Indian Railway Establishment Manual. Rule 149(6) of Railway Establishment Code also laid down that termination of services of temporary employee should be in terms of provisions of I. D. Act

23. It is evident from the entries in Casual Labour Card of the workman that he had not continuously worked for 120 days within a period of four months. This contention of the learned representative on behalf of the workman is not sustainable that management had deliberately not mentioned the actual working days and artificial breaks have been shown to deprive the workman from his legitimate rights. The workman himself has pleaded in his rejoinder that entries in his Casual Labour Card had been made on the basis of Live Register. He has not alleged that his actual working days were not mentioned in the said registers. Further, he has never represented regarding entries in respect of working days in his card. He has not produced any receipt or any other document or oral evidence to establish that during alleged breaks which are said to be artificial break, he was on authorized leave or he had actually worked on those days.

24. This contention of the learned representative on behalf of the workman is also not acceptable that as per Casual Labour Card the workman had worked for 122 days during period 16-05-78 to 16-09-78, thus, it should be presumed that he had continuously worked for 120 days during said period. As per entries in the Casual Labour Card the workman had worked from 16-05-78 to 15-07-78, during this period he remained absent on 26-05-78. In period from 27-05-78 to 31-12-78 it is not mentioned how many days he had actually worked. His total working days from 16-08-1976 to 31-12-78 have been mentioned as 6 months 22 days only and working days from 1-7-79 to 31-9-79 have been mentioned as 79 days only. Thus, it cannot be presumed that out of period of 6 months 22 days, the workman had worked continuously from 16-05-78 to 16-09-78 in absence of actual working days during period 16-7-78 to 16-9-78. the burden was on the workman to prove that he had remained in the employment of the management not only on the days he had worked but also on the days on which he had not worked either on account of his inability or on account of his being prevented by the employer for working.

25. This contention of the learned representative on behalf of the workman is also devoid of any force that since Live Register have not been produced by the management, an adverse inference should be drawn against the management. Upon a perusal of the statement of the management witness it is evident that at the time of examination of management witness, Casual Labour Register for the period May, 78 to December, 78 was produced. As regard remaining period the case of the management is that after lapse of period of over 25 years the records could not be located. As pointed out earlier the workman has failed to explain inordinate delay in raising the industrial dispute. Apart from this the workman has admitted in his rejoinder that list of casual workers working in Section Engineer (Works), Sitapur in the year 1981 was prepared in year 1996 and his name is mentioned at serial No. 18. He has also pleaded that said list was prepared on the basis of entries in the Live Register and other record. The total period of working days shown in the above list and mentioned in the Casual Labour Card are same i.e. 751. He has not alleged that number of working days in the said list or in the Register on the basis of which the list was prepared, were not mentioned correctly. He himself has produced the said list to substantiate his claim. In such circumstances, if the management has failed to produce the Casual Labour Register or Live Register for remaining period, no adverse presumption can be drawn against the management.

26. The initial burden was on the workman to prove that he had continuously worked for 120 days and thus he was entitled for grant of temporary status. Unless the workman proves his claim, the opposite party cannot be called upon to disprove it. As discussed above the workman has failed to prove that he had ever worked continuously for 120 days during 16-5-78 to 16-9-78.

27. In view of the above discussions, the workman has failed to prove that he had worked continuously for 240 days in preceding twelve months from the date of his alleged termination and he has also failed to establish that he had ever worked for 120 days. Thus he was neither entitled for any notice or retrenchment compensation. The workman has also failed to prove that his services have been terminated in violation of Section 25 F, G & H or in contravention of any provisions of Railway Manual and any action of the management was unjust or illegal. Resultantly, he is not entitled for any relief claimed by him.

28. The reference under adjudication is answered accordingly.

29. Award as above.

Lucknow. 30-6-2009

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 21 जुलाई, 2009

का.आ. 2193.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 128/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S.O. 2193.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.128/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 21-7-2009.

[No. L-12014/1/2009-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: Shri Ved Prakash Gaur, Presiding Officer

Dated, the 24th day of February, 2009

Industrial Dispute L.C. No. 128/2005

BETWEEN

Sri Ragulapalli Chinna Mallaiah,

S/o R. Sunkanna,

R/o Yedruru Village, Pamidi Mandal,

(Via Pedda Vaduguru),

Anantpur District-515 401.

...Petitioner

AND

The Deputy General Manager,

State Bank of India,

Zonal Office, Renigunta Road,

Tirupathi.

...Respondent

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar Reddy,
G. Srinivasa Reddy and S. Vijay
Venkatesh, Advocates

For the Respondent : M/s. B.G. Ravindra Reddy and
B.V. Chandra Sekhar, Advocate

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Non-Messenger on 18-6-90 in SBI Gooty Branch of the respondent bank. He worked in different spells from 18-6-90 to 5-2-91 for a period of 87 days. He was empanelled in the year 1992 and was absorbed by the Respondent in the year 1992. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/ watchman by the respondent and never terminated from service on 31.3.1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support of their respective contentions. On 24-2-2009 petitioner called absent while Respondent's counsel is present. Petitioner is not attending to this case for last two years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 24th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 जुलाई, 2009

का. आ. 2194.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 125/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई.आर. (बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S.O. 2194.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 125/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workman, received by the Central Government on 21-7-2009.

[No. L-12014/1/2009-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

Present : Shri VED PRAKASH GAUR, Presiding Officer
Dated the 24th day of February, 2009

Industrial Dispute L.C. No. 125/2005

BETWEEN

Sri G. Venkataramannappa,
S/o G. Munuswamy,
R/o 8/841, New Harijana Colony,
Gooty Mandal,
Anantpur District-515 401

...Petitioner

AND

The Deputy General Manager,
State Bank of India,
Zonal Office, Renigunta Road,
Tirupathi

...Respondent

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar Reddy,
G. Srinivasa Reddy &
S. Vijay Venkatesh,
Advocates.

For the Respondent : M/s. B. G. Ravindra Reddy
& B.V. Chandra Sekhar,
Advocate.

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLI Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and Mis. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 12-4-83 in SBI Gooty Branch of the respondent bank. He worked in different spells from 12-4-83 to 6-8-85 for a period of 175 days. He was empanelled in the year 1989 and was absorbed by the Respondent in the year 1989. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

Both parties were directed to produce evidence in support of their respective contentions. On 24-2-2009 petitioner called a court while Respondent's counsel is present. After the court was attending to this case for last two days, on 24-2-2009 evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 24th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली. 21 जुलाई, 2009

का.आ. 2195.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 126/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S. O. 2195.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.126/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, which was received by the Central Government on 21-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: Shri Ved Prakash Gaur, Presiding Officer

Dated, the 24th day of February, 2009

Industrial Dispute L.C. No. 126/2005

BETWEEN

Sri Kandala Subbarayudu,
S/o K. Obuleshu,
R/o 9/976, Harijana Street,
Gooty Mandal,
Anantpur District-515 402.

...Petitioner

AND

The Deputy General Manager,
State Bank of India,
Zonal office, Renigunta Road,
Tirupathi.

...Respondent

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar Reddy,
G. Srinivasa Reddy & S. Vijay
Venkatesh, Advocates

For the Respondent : M/s. B. G. Ravindra Reddy
& B. V. Chandra Sekhar,
Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Non-Messenger on 6-4-1981 in SBI Gooty Branch of the respondent bank. He worked in different spells from 6-4-81 to 6-2-84 for a period of 158 days. He was empanelled in the year 1989 and was absorbed by the Respondent in the year 1989. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the

petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support of their respective contentions. On 24-2-2009 petitioner called absent while Respondent's counsel is present. Petitioner is not attending to this case for last two years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 24th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 जुलाई, 2009

का. आ. 2196.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 127/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S. O. 2196.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 127/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 21-7-2009.

[No. L-12014/1/2009-IR (B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD****Present : Shri Ved Prakash Gaur, Presiding Officer****Dated the 24th day of February, 2009****Industrial Dispute L.C. No. 127/2005****BETWEEN**

Sri Kullaya Babu,

S/o J. Subbarayudu,

R/o 7/476, 7th Ward,

Behind Balaji Lodge,

Gooty, Anantpur District-515 401.Petitioner

AND

The Deputy General Manager,

State Bank of India,

Zonal Office, Renigunta Road,

Tirupathi.Respondent

APPEARANCESFor the Petitioner : M/s. C. Vijaya Shekar Reddy,
G. Srinivasa Reddy & S. Vijay
Venkatesh, Advocates.For the Respondent : M/s. B. G. Ravindra Reddy
& B.V. Chandra Sekhar,
Advocates.**AWARD**

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Non-Messenger on 4-11-87 in SBI Gooty Branch of the respondent bank. He worked in different spells from 4-11-87 to 31-12-88 for a period of 86 days. He was empanelled in the year 1989 and was absorbed by the Respondent in the year 1989. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support of their respective contentions. On 24-2-2009 petitioner called absent while Respondent's counsel is present. Petitioner is not attending to this case for last two years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 24th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for	Witnesses examined for
the Petitioner	the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 जुलाई, 2009

का.आ. 2197.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्सई के पंचाट (संदर्भ संख्या 69/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-12012/140/2007-आई. आर.-(बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S.O. 2197.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2007) of Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 21-7-2009.

[No. L-12012/140/2007-IR-(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, 3rd July, 2009

Present : A. N. Janardanan, Presiding Officer

Industrial Dispute No. 69/2007

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of State Bank of India and their Workman).

BETWEEN

Sri R. Sundararaju : I Party/Petitioner

Vs.

The Dy. General Manager : II Party/Respondent
State Bank of India,
Region-1, Zonal Office,
Dr. Ambedkar Road,
Madurai-625002

APPEARANCE

For the Petitioner : Sri S. Vaidyanathan

For the Management : Sri. S. Kannaiah

AWARD

The Central Government, Ministry of Labour *vide* its Order No. L-12012/140/2007 IR(B-I) dated 30-10-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of State Bank of India, Usilampatti Branch, Madurai in awarding the punishment of removal from service to Shri R. Sundararaju w.e.f. 03-11-2001, is legal and justified? If not, to what relief the workman concerned is entitled?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 69/2007 and issued notices to both

sides. Both sides entered appearance through their advocates and filed their claim and counter statement respectively.

3. The averments in the Claim Statement necessary for discussion are as follows :

The Petitioner initially appointed as Clerk under the Respondent/Bank, thereafter promoted as Head Clerk in 1993 while was working at Usilampatti Branch was charge sheeted on 03-01-2000 with having committed gross misconduct in terms of Para-521 (4)(J) of Sastry Award read with Para-18.28 of Desai Award. He explained as regards first and second charges that the overdraft has since been regularized by him and that mistake was purely due to mistaken impression. Third charge was refuted by him. An enquiry was thereafter held and in the finding dated 21-06-2001 Charge Nos. 1 and 2 were held proved and Charge No. 3 not proved. Disciplinary Authority on 23-10-2001 implemented his proposed punishment of removal from service. The appeal preferred only affirmed the punishment. Out of panic, he could not raise an ID and he was compelled to sit content with his terminal benefits received under protest. Thus there occurred delay for raising conciliation which having failed the present reference is occasioned. After having given a punishment transfer his removal from service is one in double jeopardy. The delinquent act if proved would amount only to misconduct under Para-521 (4)(J) of Sastry Award. It does not attract extreme punishment awarded. Charge sheet is not clear. Clause 521 (4)(J) reads as “Doing any act prejudicial to the interests of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss”. A charge sheet cannot be a conclusive statement. It clearly exposes vindictiveness and pre-determination of the Disciplinary Authority. The delinquent act may at the most come under the minor misconduct under Para-521 (6)(d) which reads “breach of any rule of business of the bank or instruction for running of a department” inviting punishment of a warning or a censure, or recording an adverse remark or stoppage of increment for not more than 6 months. The enquiry proceedings are not fair and proper and are against the principles of natural justice. The relied documents were not introduced through competent witnesses who were also not cross-examined. The documents were allowed to be marked in spite of objection. The enquiry is sham and farce. The charges framed are :—

- (i) that my current account (overdraft) was running irregular since 1997 to the tune of Rs. 51,250 to Rs. 64,743 due to withdrawal of maturity proceeds of NSCs amounting to Rs. 60,450. Thus it is alleged that I had unauthorisedly utilized a higher overdraft facility to the extent of Rs. 64,743 with mala fide intention.

- (ii) that I had failed to have my salary credited into my current account as per the laid down instructions of the bank, though I was in charge of the establishment section and that I had partly credited my salary into my current account and partly into savings bank account despite specific instructions given to me through the branch note with a view to avoid scope of my salary being adjusted towards the irregularity in the current account.

It is under a mistaken impression that the face value and accrued interest on NSCs purchased by him and given as security to the Bank would themselves secure the interests of the Bank against such drawings from his said account. Thus he happened to credit his salary into his SB Account as a practice prevailing. He has not withdrawn proceeds of NSC amounting to Rs. 60,450. He made credits of Rs. 30,325 on 19-02-1998 and Rs. 10,000 on 28-03-1998 to reduce overdraft. There was no unauthorized withdrawal at any time. Authority for fixing the drawing power is the sole responsibility of a supervising official only. The charge sheet issued after the memorandum dated 03-06-1999 is silent about the role of Accountant at PB Division. P.Ex.III to P.Ex.IX produced at the enquiry relate only to the staff members belonging to Clerical Cadre and below and not to Officers cadre. Had the documents in entirety been produced, the practice at the branch of crediting the salary to SB Account would have come to light. There is official bias. P.Ex.XII sanction of an overdraft of Rs. 1,94,100 does not bear date or signature of the authority. The actual quantum of drawing power in his Current Account Overdraft to hold him guilty that he utilized a higher overdraft facility has not been proved. The finding on Charge No. 2 was not conclusively proved. The bank officials were not produced as witnesses in the enquiry. Similar delinquents in Madurai module were let off with minor punishments as in the case of P. Mookaiah and 5 others. The punishment imposed is disproportionate.

4. In the Counter Statement the following contentions are raised :

The petitioner has filed the case after a lapse of several years on untenable grounds and false and misleading statements. He has received all his service benefits and is drawing monthly pension, Explanation for delay is not genuine and has been one to capture the sympathy of the Tribunal. The petitioner's claim that he was given punishment transfer to Madurai branch is false, misleading and is denied. The same was a transfer under exigency of service. The enquiry was fair and proper and the finding was also based on categorical admission by the petitioner. Exoneration from Charge No.3 will not automatically relieve him from Charge Nos. 1 and 2. The misconduct is not a minor one. The petitioner discernibly conceded the charges.

The bank lost confidence reposed on the petitioner. The petitioner has no locus-standi to compare his case alongwith others with totally different facts. The petitioner cannot claim equality in illegality and fraud. There is no merit in the claim and the same is to be dismissed.

5. Points for determination are:

- (i) Whether the action of the management in awarding the punishment of removal from service to the petitioner, is legal and justified?
- (ii) To what relief the petitioner is entitled ?

6. On the side of the petitioner, Ex.W1 to Ex.W6 were marked and on the side of the Respondent Ex.M1 to Ex.M13 were marked, both on consent. The petitioner on his submission had claimed for hearing on the preliminary issue as to "whether the domestic enquiry conducted is fair and proper"? While it stood for hearing on preliminary issue, the petitioner's learned counsel did not press for hearing on the preliminary issue and in fact advanced his arguments on the main dispute. The other side also was heard.

Point No. 1

7. The claim of the petitioner is challenged as being unsustainable on various grounds such as being highly belated, as being estopped by reason of the fact that the petitioner received all his service benefits and has also started drawing his monthly pension, that the explanation for the delay offered is not genuine and that the delinquent has categorically admitted the charges. He is also not entitled to claim equality in respect of illegality and fraud committed. According to the petitioner, the irregularity occurred in the Overdraft Account is due to a mistaken impression. Again according to him, due to panic out of the punishment imposed, he could not raise the I.D. in time and he rested content with his terminal benefits which he received under protest but which according to the Respondent is not one received under protest. While the petitioner attributes double jeopardy in punishment upon him taking into account his transfer also according to the Respondent the transfer was not a punishment which was given in exigency of public service. The enquiry was not held proper and was against the principles of natural justice.

8. The contention that the enquiry was not fair and proper or that it was held against the principles of natural justice sought to be considered as a preliminary issue was later not pressed for and accordingly arguments were advanced on either side on the main dispute as to the finding of the guilt and the awarding of the punishment of removal from service of the petitioner. A perusal of the enquiry proceedings and the finding goes to show that there has not been anything wrong with them and that the finding has been correctly rendered holding the petitioner guilty of Charges 1 and 2 which have been discernibly

conceded by the delinquent. His challenge against it after a lapse of 4 years is not with any genuine explanation. He has received all the service benefits and he is getting monthly pension regularly. His contention that he could not raise any I.D. with panic does not sound to reason. His claim for treatment of his case with similar cases in which "his so called counterparts" such as P. Mookaiah and 5 Others without actually being shown that he stands equally on the same footing with reference to the facts and circumstances cannot be upheld. His claim amounts to treating illegality and fraud equally. Now at this distance of time the petitioner cannot be heard to say or countenanced with any such contentions which are an outcome of an afterthought after his having chosen to suffer the punishment awarded to him long back vis-a-vis the benefits enjoyed and continues to enjoy. There is no merit in the claim of the petitioner. Therefore, it is only to be held that the action of the Management in removing the petitioner from service is only legal and justified and it is so found.

Point No. 2

The next point to be decided to what relief the workman is entitled ?

9. In view of the above finding, the petitioner is not entitled to any relief.

10. Thus the reference is answered accordingly.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 3rd July, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner : None

For the II Party/Management : None

Documents Marked :-

On the Petitioner's side

Ex.No.	Date	Description
Ex.W1	—	Extract of current account statements from January 1997 to September 1999
Ex.W2	20-02-1997	Credit voucher for Rs. 60,450/-
Ex.W3	—	Loan application unsigned by the official
Ex.W4	19-02-1998	Credit voucher for Rs. 30,225/-
Ex.W5	28-03-1998	Credit Voucher for Rs. 10,000/-
Ex.W6	—	Extract of Para 521(6)(d) and 521(7) of Sastry Award

On the Management's side

Ex. No.	Date	Description
Ex.M1	03-06-1999	Show cause notice to the Petitioner
Ex.M2	26-06-1999	Explanation of the Petitioner
Ex.M3	03-01-2000	Charge Memo
Ex.M4	29-01-2000	Reply given by the petitioner
Ex.M5	23-06-2000	Enquiry Proceedings
Ex.M6	21-06-2001	Findings of the Enquiry Officer
Ex.M7	14-08-2001	Explanation of the Petitioner
Ex.M8	20-09-2001	Notice for personal hearing issued by the Disciplinary Authority
Ex.M9	23-10-2001	Further explanation submitted by the Petitioner to the Disciplinary Authority
Ex.M10	03-11-2001	Orders of the Disciplinary Authority
Ex.M11	18-12-2001	Appeal of the Petitioner to the Appellate Authority
Ex.M12	31-12-2001	Further representation of the Petitioner to the Appellate Authority
Ex.M13	04-01-2002	Orders of the Appellate Authority

नई दिल्ली, 21 जुलाई, 2009

का.आ. 2198.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या 17/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-12011/34/2007-आई. आर.-(बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S.O. 2198. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.17/2008) of Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 21-7-2009.

[No. L-12011/34/2007-IR-(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Tuesday, the 7th July, 2009

Present : A. N. Janardanan, Presiding Officer

Industrial Dispute No. 17/2008

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of State Bank of India and their Workman)

BETWEEN

The Dy. General Secretary : I Party/Petitioner
 State Bank's Staff Union (CC)
 C/o SBI, Zonal Office, Dr. Ambedkar Road
 Madurai-2

Vs.

The Dy. General Manager
 State Bank of India, Region-I, Zonal Office
 Dr. Ambedkar Road, Madurai-625002

II Party/Respondent

APPEARANCE

For the Petitioner : Sri S. Vaidyanathan
 For the Management : Sri Kannaiah

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12011/34/2007-IR(B-I) dated 28-02-2008 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of State Bank of India, Madurai in treating the period from 19-09-1986 to 28-06-1991 i.e. the, date of dismissal to the date of reinstatement in respect of Sri P. Murugan, Othakadai Branch as break of service, is justified or not? If not, what relief the workman concerned is entitled to?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 17/2008 and issued notices to both sides. Both sides entered appearance through their respective counsels and filed their Claim and Counter Statement respectively.

3. The case of the petitioner in the Claim Statement bereft of unnecessary details is as follows:

The petitioner while was working as Senior Assistant at Othakadai branch of Respondent/Bank, then with about 28 years of service was suspended on 19-09-1985 on certain misconduct and thereafter dismissed on 19-09-1986. Appeal only confirmed the punishment on 12-09-1987. In Writ Petition No. 6624/87, High Court of Madras set aside the disciplinary proceedings from the 2nd Show Cause Notice

date as a result of which the dismissal had no effect and the petitioner was again placed in the active service of the bank. As per the High Court direction, the Disciplinary Authority ought to have put the petitioner in the position before the dismissal on 19-09-1986, which was not done. Yet the disciplinary proceedings were started from the 2nd Show Cause stage treating him to be in active service then as provided by the awards and settlements regarding service conditions. It was deemed that the petitioner was again back to active service with the relationship of master and servant restored. The petitioner was again served with a 2nd Show Cause proposing the ‘same punishment of “dismissal without notice” which was again confirmed after a personal hearing on 28-06-1991. On appeal, the Appellate Authority reinstated him into service by modifying the punishment of dismissal without notice to stoppage of increments for 2 years on 18-12-2001 with the direction to treat the period of date of dismissal upto the date of reinstatement as break of service and also to treat suspension period from 19-09-1985 to 19-09-1986 as suspension only. As per High Court order it was for the Disciplinary Authority to decide ultimately as to how to treat the from suspension till final orders are passed. Since it was not so decided, it is to be safely concluded that the said period of suspension is to be treated as service only. The petitioner’s representation to rectify the error of the Appellate Authority in the order dated 18-12-1991 to treat suspension period as duty was erroneously interpreted as an order of the Appellate Authority to treat the period from the date of first dismissal (20-09-1986) to the date of reinstatement (02-01-1992) as break in service and period of suspension (19-09-1985 to 19-09-1986) as suspension only. The bank erred to assume that the petitioner was out of service from 20-09-1986 to 02-01-1992. With the setting aside of the dismissal by the High Court, the petitioner is automatically brought to his original position. Appeal disposed of was only in respect of the punishment of dismissal and not in relation to the dismissal set aside by the High Court. Date of dismissal in the direction of the Appellate Authority meant only 28-06-1991 and not 19-09-1986. The stand of the bank is against the spirit of High Court judgment and amounts to double punishment. As per the Appellate Authority’s orders, the petitioner is entitled to full backwages and all attendant benefits and service for the period from 19-09-1986 to 28-06-1991. He was not even deemed to have been suspended from 20-09-1986 to 28-06-1991 and paid the relative subsistence allowance as per High Court judgment. It is prayed that the period between 19-09-1986 to 28-06-1991 be directed to be treated as on duty or on suspension.

4. In the Counter Statement, the averments bereft of unnecessary details are as follows:

In the Writ Order, the High Court had also directed the Disciplinary Authority to decide as to how to treat the

period of absence from date of suspension till final orders and awarded punishment of dismissal again on 28-06-1991, which in appeal was modified into stoppage of increment for two years treating the period as suspension only from 19-09-1985 to 19-09-1986 and the period from 20-09-1986 to 02-01-1992 as break of service reinstating the petitioner on 03-01-1992. The petitioner is not entitled to automatic reinstatement as per High Court order. It is false that the petitioner is deemed to be in service after setting aside of the dismissal by the High Court. The spirit of High Court order is not open to challenge once it was accepted by the petitioner. He was not at all entitled to rejoin duty during the pendency of disciplinary proceedings. Appellate Authority has power to modify order of Disciplinary Authority. After having accepted the order of Appellate Authority and having rejoined duty it is not open to him to dispute the validity of the same that too after a lapse of several years. The order of Appellate Authority worked itself out and the petitioner is acquiesced and estopped from questioning it. For the period actually not on duty, he cannot claim any benefit. The claim is to be dismissed.

5. Points for consideration are:

(i) Whether the treatment of the period from 19-09-1986 to 28-06-1991 i.e. date of dismissal to the date of reinstatement of the petitioner as break of service is legal and justified?

(ii) To what relief the petitioner is entitled?

6. On the side of the petitioner EX.W1 to EX.W15 were marked. On the side of the Respondent no document is marked. No oral evidence has been adduced on either side.

Point No. 1

7. The precise question for consideration is whether the action of the Management in having treated the period from 19-09-1986 to 28-06-1991 that is the date of dismissal to the date of reinstatement in respect of the petitioner as break of service is justified or not. Admittedly the High Court of Madras set aside the -disciplinary proceedings from the 2nd Show Cause Notice stage. According to the petitioner as a result of said order of the High Court the dismissal order lost its effect thereby meaning that the petitioner is placed in active service. The date of dismissal is 19-09-1986 and at 2nd Show Cause Notice stage prior to that the position of the petitioner at that stage is of suspension. According to the petitioner, the petitioner has then to be reckoned as in active service with the relationship of master and servant interse him and the Respondent Management. Though the same punishment of dismissal was awarded to the petitioner by the Disciplinary Authority, the Appellate Authority modified and reduced the punishment to stoppage of increment for two years treating the period of dismissal upto the date of reinstatement as break of service and to treat the suspension period from 19-09-1985 to 19-09-1986 as suspension only. The petitioner

challenges the power of the Appellate Authority to do so according to whom such power is only with the Disciplinary Authority as to how to treat the period of service of suspension till final orders are passed. The prayer of the petitioner is that since it was not so done, the period of suspension is to be treated as service only. According to the petitioner it was for the Respondent Bank to assume that the petitioner was in service from 20-09-1986 to 02-01-1992. When once the dismissal was set aside by the High Court petitioner automatically gets reinstated into his original position. The petitioner further contends that appeal disposed of was only in respect of punishment of dismissal. The stand of the bank is assailed by the petitioner as being against the spirit of High Court judgment and amounting to double punishment. The petitioner claims entitlement to full backwages and attendant benefits and service from 19-09-1986 to 28-06-1991. It is also emphasized on behalf of the petitioner that he was not even deemed to have been suspended from 20-09-1986 to 28-06-1991.

8. As against this, the prime contention of the Respondent is that the petitioner is not entitled to automatic reinstatement or is to be deemed so. He is not entitled to join duty during the pendency of disciplinary proceedings. The right of the petitioner to challenge the spirit of the High Court order that too after having rejoined duty is challenged by the Respondent. It further points out that the order of the Appellate Authority worked itself out and the petitioner is estopped from questioning it. The entitlement of the petitioner to claim any benefit during the period not actually on duty is also denied.

9. Bestowing my undivided attention on the rival contentions of the parties, I am led to the conclusion that the predominant force is on the contentions raised by the petitioner than that of the Respondent. It was argued on behalf of the petitioner by his learned counsel that when once the first dismissal order was set aside by the High Court, that is at the stage of 2nd Show Cause Notice, the position then obtaining in relation to the petitioner is one of suspension. When once the dismissal order is set aside by the High Court, though the Respondent/Bank does not by an express order puts him back into the position of suspension stage or back into active service in the absence of an order putting him back into active service his status quo ante position as on date of 2nd Show Cause Notice which is stage of suspension has either to be restored to him or he has to be assumed to be in the stage of suspension only. It is a settled position of law that once an employee is out of service by dismissal or otherwise a disciplinary proceeding cannot be continued against him. This point was highlighted before me by the learned counsel of the petitioner. This position could be altered only in the event of an order being passed by the Respondent/Management by putting him back into active service by an express order

after the dismissal has been set aside by the High Court directing further, disciplinary proceedings to be continued at the stage of 2nd Show cause Notice or by a deeming provision. Evidently the Respondent Bank did not put back the petitioner into active service pursuant to the High Court judgment. In such case, I am of the view that as rightly argued by the learned counsel of the petitioner, the petitioner has to be deemed to be at the stage of suspension only. The argument on behalf of the Respondent to the contra according to me cannot be sustained. Even if the petitioner is not entitled to automatic reinstatement into service, he is rightly entitled to be deemed to be in service or under suspension. There is also no force in the contention of the Respondent that the petitioner has no locus-standi to dispute the validity of the order of the Appellate Authority to treat the period as break of service after he has rejoined duty. It is equally fallacious to argue on behalf of the Respondent that the order of the Appellate Authority worked itself out and the petitioner is acquiesced and is estopped from questioning it because discernibly the conduct of the petitioner in having rejoined duty and thereafter only having challenged the impugned direction of the Appellate Authority does not make any flagrant violation or departure of a reasonable or normal conduct of a human being similarly placed. The challenge of the action as being one taken after a lapse of several years is also not sustainable for the reason that the petitioner has come forward with the action within a reasonable time. Discernibly the petitioner could be found to have acted reasonably by accepting that part of the order of the Appellate Authority which was advantageous to him leaving the objectionable part to be questioned later in a reasonable time. The act of the petitioner in rejoining duty could not have been a matter relegated to be done by him only after having questioned the objectionable part of the direction of the Appellate Authority. According to me none of the contentions on behalf of the Respondent sounds to reason to tilt a decision against the petitioner and in favour of the Respondent. On a well considered view of the matter as discussed above, I am of the opinion that the treatment of the period of dismissal of the petitioner from 19-09-1986 to the date of reinstatement viz. 28-06-1991 as break of service is not legal or justified. The petitioner is entitled to the above said period to be treated as period of suspension and the petitioner is entitled to the relief as above.

Point No. 2

10. The next point to be decided is to what relief the petitioner is entitled ?

In the light of the above finding, the petitioner is entitled to the period of dismissal to the date of reinstatement i.e. from 19-09-1986 to 28-06-1991 treated as

period of suspension only and as not as break of service. So ordered.

11. Thus the reference is answered accordingly. (Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 7th July, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined

For the 1st Party/Petitioner	:	None
For the 2nd Party/Management	:	None

Documents marked

On the petitioner's side

Ex. No.	Date	Description
Ex.W1	07-02-2007	Industrial Dispute under Section 2(k) of the I.D. Act before the Conciliation Officer
Ex.W2	19-09-1985	Suspension Order
Ex.W3	19-09-1986	Dismissal Order
Ex.W4	12-01-1987	Order of the Appellate Authority
Ex.W5	01-02-1991	Order in WP No. 6624/87
Ex.W6	28-06-1991	Order of Dismissal
Ex.W7	18-12-1991	Order of the Appellate Authority reducing the punishment
Ex.W8	16-02-2006	Letter of the bank to P. Murugan
Ex.W9	10-07-2007	Additional Statement under Section 2(k) before the Conciliation Officer
Ex.W10	19-08-2006	Bank's reply before the Conciliation Officer
Ex.W11	10-07-2007	Minutes of the conciliation proceedings
Ex.W12	30-11-2007	Conciliation Failure Report
Ex.W13	28-02-2008	Order of reference by the Ministry of Labour
Ex.W14	07-03-2008	Notice from the Office of the Central Government Industrial Tribunal in I. D. No. 17/2008

On the Management's side

Ex. No.	Date	Description
	Nil	

नई दिल्ली, 21 जुलाई, 2009

का.आ. 2199.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, दिल्ली के पंचाट (संदर्भ संख्या 40/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-12011/16/2006-आई आर-(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S.O. 2199. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 40/2007) of Central Government Industrial Tribunal-cum-Labour Court-I, Delhi as shown in the Annexure in the Industrial Dispute between the management of State Bank of Patiala and their workmen, received by the Central Government on 21-7-2009.

[No. L-12011/16/2006-IR-(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-NO. 1,
NEW DELHI, KARKARDOOMA COURT
COMPLEX, DELHI**

I.D. No. 40/2007

The General Secretary,
State Bank of Patiala Employees Union,
C/o H.No. 1901, Sector-9,
Faridabad (Haryana).

..... Workman

Vs.

The Dy. General Manager,
State Bank of Patiala, SCO-70, Sector-5,
Panchkula (Haryana).

..... Management

AWARD

Working hours of bank employees from Monday to Friday were decided to be 6-1/2 hours daily (7 hours -1/2 hour for lunch) and on Saturday for 4 hours only as per various Bipartite Settlements between Bank Employees Union and Indian Bankers Association. In case of overtime work, overtime wages were to be paid. Rajbir Singh, Manish Kumar, Amit Kumar, Ramesh Kumar, Raj Singh, Rabinder Singh, Vijay Dahia, Niranjana Kumar, O. P. Chauhan, Maha Ram, Ashok Kumar, Prem Kumar, Pyare Lal and Smt. Geeta were working in various branches of State Bank of Patiala. They were made to work overtime at different intervals, but no overtime wages were paid to them. When their request was turned down and overtime wages were not paid to them, they raised a dispute before

the Conciliation Officer. Since conciliation proceedings failed, Central Government Ministry of Labour vide its Order No. L-12011/16/2006-IR-(B-I) dated 15-3-2007 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of State Bank of Patiala in not paying the overtime wages (as per annexure) to the claimant workmen is legal and justified? If not, to what relief the workmen are entitled to?”

2. Claim statement was filed on behalf of the above workmen, wherein it was projected that the management made them to work overtime at different intervals, for which periods they are entitled to overtime wages. According to them a sum of Rs. 116400/- is yet to be paid towards overtime wages, for the work performed by them.

3. Management was called upon to present its stand over the matter. During that period, a settlement was arrived at between the parties. Shri Kirpa Ram Sharma A/R, General Secretary, State Bank of Patiala Employees Union submitted that the dispute between the General Secretary, State Bank of Patiala Employees Union and management has been resolved amicably. He further presents that now there remains no dispute to be adjudicated. His statement was recorded in the following terms:

“Statement of Shri Kirpa Ram Sharma, S/o Shri D. D. Sharma, aged 58 years, R/o 1103, Sector 8, Faridabad, Haryana. On S.A.

I am the Deputy General Secretary of State Bank of Patiala Employees Union, Haryana State. I have been authorised by Shri Prabhu Dayal, General Secretary, State Bank of Patiala Employees Union, Haryana State, to appear before this Tribunal and to make a statement in the matter. As such I am authorized to make a statement in the matter. I state that dispute between the State Bank of Patiala, Panchkula, Haryana and the General Secretary, State Bank of Patiala Employees Union, Haryana State has been resolved amicably. In view of the settlement overtime payment of employees posted in 18 branches of State Bank of Patiala, throughout Haryana, has been made. Since payment of overtime wages has been made by the State Bank of Patiala, Panchkula, Haryana, now no grievances remained to be adjudicated. Consequently, the matter may be answered as settled and grievances satisfied.”

4. In view of the statement made by Shri Kirpa Ram, Deputy General Secretary of the State Bank of Patiala Employees Union, it is apparent that grievances between the parties stands settled and satisfied. Consequently, a No Dispute Award is passed. It be sent to the appropriate Government for publication.

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 21 जुलाई, 2009

का.आ. 2200.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 155/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-41012/102/93-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S.O. 2200. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.155/2000) of Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Central Railway and their workmen, received by the Central Government on 21-7-2009.

[No. L-41012/102/93-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/155/2000 Date : 30-8-2007

Petitioner : Shri Prakash Shantaram Paturkar,
R/o. Behind Sindhi Colony,
New Town, Badnera,
Distt. Amravati (M.S.). Party No. 1

Versus

Respondent : The Chief Inspector of Works,
Central Railway, Murtizapur,
Maharashtra. Party No. 2

AWARD

Dated the 30th August, 2007

The Central Government after satisfying the existence of disputes between Shri Prakash Shantaram Paturkar, Party No. 1 and The Chief Inspector of Works, Central Railway, Murtizapur, Maharashtra, Party No. 2, referred the same for adjudication to this Tribunal vide its Letter No. L-41012/102/1993-IR(B-I), Dt. 28/03/1995 under clause (d) of sub section (1) and sub section (2A) of Section 10 of Industrial Disputes, Act, 1947 (14 of 1947) with the following schedule :

(2) "Whether the action of the management for not issuing notice to Shri Prakash Santaram Paturkar, workman to report for duty in Central Rly. Bhusawal, is proper and justified? Can it be treated as Retrenchment and violation of Section 25F of the I. D. Act, 1947? If not what relief the workman is entitled to?"

(3) Petitioner approached this Tribunal with the contentions that he was working with the recognized and subsidized consumer society's canteen at Badnera since January, 1980 to 1-3-1989. Then considering his career and performance of duties, he was employed as casual labour under the Inspector of Works, Central Railway, Bhusawal Division at Murtizapur from 20-6-1989 continuously on open line. From 20-6-1989 to 29-11-1989 he worked for more than 120 days as a Casual Labour and has become legible for status of permanent temporary employee. On 7-11-89 letter no (NG)II/80/CL/25 dated 20-10-80. He was legible for being brought on monthly rated casual labours. As such he was entitled for the benefits of permanent casual labour under the Railway Establishment Code. In a Decasualization Scheme dt. 26-11-1989 he was discharged and was asked to report to X.E.N. Central Railway, Manmad. There were others 59 employees also were discharged. All the 60 employees were asked to report at Manmad but when he along with other employees went to join at Manmad, they all were sent back informing that there was no vacancy to absorb them. Then they contacted the Assistant Engineer, Central Railway, Akola but they were not allowed to resume the duties at Manmad. Latter on all the 60 employees were reemployed. The Petitioner requested the Assistant Engineer (E), Akola, however he kept mum and did not allow him to join. He also made further attempt through the union because in the mean time the remaining 59 workers were reemployed but, in spite of his request, under a false pretext the management did not allow him to join the duties. He was not served with the notice about the availability of the work at Manmad. Thus according to the petitioner he has been retrenched by the respondent though he was entitled for regularization without following the procedure of retrenchment, which according to him is illegal and he is entitled for the reinstatement as well as regularization. Finally he has prayed to direct the Respondent/department to allow him to resume his duties alongwith continuity in service with a full back wages.

(4) The management appeared and resisted the claim by filing his Written Statement. The respondent denied that the applicant has completed 120 days and he had obtained a permanent status. On the contrary he has voluntarily abandoned the services and thus he is not entitled for any regularization. It has denied that he was engaged as casual labour considering his earlier service or his performance during his service with the Consumer Society's Canteen is as he was not working with railways. It has denied that the service of the applicant with the Consumer Society's Canteen is under Inspector of Works of Railways. It has also denied that it is a wing or branch of Railway Organization. A person employed by Co-operative Consumer Society cannot be treated under the control and in service of Railways. The petitioner was never employed by the Railway Administration. Similarly it has denied that the petitioner has completed continuous work for 120 days.

He was absent and was on unauthorized leave for 29 and 1/2 days during the period from 20-6-1989 to 29-11-1989. Excluding the unauthorized absence he worked only for 104 day. He being surplus casual worker was discharged from 30-11-89 on compilation of the work along with other 59 surplus casual labours as provided in the rules. As the work was not available at Manmad, all the employees were asked to report on work of the bridge work at Borgaon. Accordingly all other 59 workers reported at Borgaon but the applicant did not turn and join the duties. As he has not completed 120 days continuous service he has not achieved a status of permanent temporary employee of the Railways. At the material time there was instruction to engage the casual workers the management reemployed 59 workers. All the 60 persons were asked to go to Borgaon for bridge work. On 1-4-1990 accordingly all the 59 workers except the petitioner joined the work. They were reemployed since the petitioner did not attend work. Thereafter he was continuously absent from the work. The other 59 employees were continued. As the petitioner did not attend he could be sent for Medical Examination. Since the petitioner himself abandoned the service he is nether entitled for the benefits under Section 25-F of I.D. Act. Therefore there is no question of compliance of the provisions of retrenchment. The management has finally prayed to answer the claim in negative.

(5) In order to prove the respective contentions, the petitioner examined himself and respondent examined Mr. Khandare S.M., Junior Engineer Gr. I.

(6) At the outset it can be said that the contentions of the petitioner regarding the earlier service from January, 1980 to 1-3-1989 has no relevance because it was not at all a service under Railway/respondent. It seems that the father of the petitioner was working in the Consumer society's Canteen and he might have engaged in the canteen but it even by stretch of imagination cannot be a in the service of Railways even though it might be recognized and subsidized. Even the petitioner is claiming 120 days excluding the period of service in the canteen. The submissions of the petitioner in this respect cannot be accepted.

(7) Main grievance of the petitioner is that the management did not issue any notice to him asking to report for duty in Central Railway, Bhusawal. According to him it was obligatory on the management to issue a notice or at least display on the Notice Board mentioning where the work was available and to remain present. Since the management did not issue such notice and did not allow him to join the work in spite of his written request dated 06-1-1990, 7-1-1990 and 17-1-1990, is amounting to retrenchment for which the compliance of Section 25-F of I.D. Act was necessary. Similarly the engagement of his juniors is also a breach of mandatory provisions of I. D. Act. While according to the management he has never acquired the status of permanent casual labour as he had not completed 120 days continuous service. Therefore the

question is whether the petitioner had worked continuously for more than 120 days during the period from 20-06-1989 to 29-11-1989.

(8) In fact the submissions of the petitioner are vague and not disclosing the exact the order when notice was necessary. He has simply mentioned at the time of calling for duty in Central Railway. He has not disclosed the place where he could not joined due to the non receipt of notice. The management after completion of work at Murtizapur, asked all the 60 casual labours to attend the work firstly on a bridge at Manmad. Later on as the work was not available at Manmad, they were directed to report at Borgaon where the work was available. Accordingly all the 59 casual labours reported on the work at Borgaon and they were engaged or given reemployment. The management was ready to provide the work to the petitioner also but according to it the petitioner did not attend and he voluntarily abandoned the work. His name was struck off from the Master Roll after 3 days of his absence. The management has denied that the petitioner had gone either to Manmad or to Borgaon. As he was absent he could be confirmed though his juniors who joined the work at Borgaon were later on made permanent. Thus the submissions of the petitioner are vague enough as to when he was expecting a notice. Whether it was regarding to attend the work at Manmad or at Borgaon? The petitioner is claiming that he had gone to Manmad along with other 59 casual labours, but the Engineer sent them back. If he had really gone to Manmad, it means he had a notice of availability of work at Manmad. So far as the availability of work at Borgaon is concerned, all the casual labours were informed at Manmad and they all except the petitioner joined the duty at Borgaon. If he had gone to Manmad, he must have a notice regarding the availability of the work at Borgaon along with the other 59 workers. This indicates that the petitioners had not gone to attend the work at Manmad though he had a notice. It also proves that the management had given the notice of the availability of the work at Borgaon. As per rules the notice is expected to be displayed on Notice Board and even oral notice can not be ruled out. When all were informed at Manmad to join at Borgaon it was oral notice to all. It can not be said that there was no notice at all. It is not at all necessary to serve each member with a written notice obtaining the receipt thereof.

(9) The management has denied that the petitioner has gone to Manmad. The evidence of Mr. Khandare supports it. Similarly one casual labour from the 59 workers namely Bhimrao Shivram has filed his affidavit disclosing the petitioner was not with them either at Manmad or at Borgaon as he had not come at all. It seems that the petitioner taking advantage of returning all 59 workers due to non availability of the work is making false statement that he had gone to Manmad. There is ample evidence to prove that he had not gone either to Manmad or to Borgaon

though the management has displayed the notice about the availability of the work at Manmad as well as at Borgaon.

(10) Now let us turn to the another aspect of the case regarding 120 days continuous working of the petitioner. He claims to have worked for more than 120 days between the period from 20-6-1989 to 29-11-1989 and he achieved the status of permanent temporary employee, while the management is denying it. According to it he was absent for 29 and ½ days unauthorizedly during the above period which amounts to break and cannot be excluded while considering the continuous service. While according to the petitioner his absence was authorized. It means there are no disputes regarding the facts that the petitioner worked between the period 20-06-1989 to 29-11-1989.

(11) There are disputes regarding the actual date when he was discharged but even the Statement of Claim is not clear enough to disclose the exact date on which he was discharged. It makes no difference for counting the days. Similarly there is nothing on record to show that the petitioner was on authorized leave. Besides this the management has produced a statement showing the attendance of the petitioner in each month and on calculation according to the management he was absent for 29 and ½ days which was unauthorized absence. As indicated above the petitioner no doubt petitioner has denied it but there is nothing on record to indicate that he was present on all the days i.e. 130 days and absence if any was authorized. The management has filed a copy of a circular of Govt. of India, Ministry of Railways (Rail Mantralaya), Railway Board, dtd. 8-6-1981. On page No. 06 at a caption-C, the break in service is described. This indicates that for the purpose of counting of 120 days continuous employment the absence of workman under Medical treatment in connection with the injuries sustained on duty covered by the provisions under the Workman's Compensation Act and authorized absence not exceeding 20 days including 3 days unauthorized absence for personal reason will not be considered. It means even the authorized absence for more than 20 days can not considered and only 3 days unauthorized absence with in those 20 days only can be ignored. Here the petitioner was absent for 29 and ½ days and therefore it will amounting to a break without even considering aspect of permanency on completion of 120 days. However it is clear that there is no evidence to show that he was taking any treatment that too for the injuries sustained while on duty.

(12) It is pertinent to note that the applicant though he had approached to the CGIT had filed a Original Application bearing No. 111/1995 before the Central Administrative Tribunal at Mumbai with the prayer of reinstatement and that was dismissed by the Hon'ble CAT. The applicant filed a Review Petition again before the Hon'ble CAT and that was also dismissed. Again the management has filed at Annexure 8, a copy of order of the Original Application No. 664/1999 which shows that he

had again approached to CAT with the same prayer and the Hon'ble CAT had rejected the prayer of the petitioner on merit. The Hon'ble CAT had also concluded that the petitioner can not claim that he has completed 120 days. The petitioner while approaching before the Hon'ble CAT had suppressed the pendency of the reference before CGIT and he suppressed though he has amended the Statement of Claim after considerable delay when the final arguments were heard. He was allowed to amend but the amended Statement of Claim is also silent about the orders of the Hon'ble CAT.

(13) The counsel for the petitioner had submitted that he had made representation on 06-1-1990, 07-1-1990 and 17-1-1990 requesting the management to allow him to join the work but as he was absent for continuous 3 days, his name was struck off from the Muster and he was not allowed to join. According to the counsel for the petitioner there is no rule to struck off the name after 3 days and therefore according to him there was no reason for not allowing to join the service. Here is question whether the petitioner has completed 120 days continuous service as a Casual Labour for obtaining a status of permanent Casual Labour. Undisputedly previously he was Casual Labour on daily wages. No doubt there is no rule prescribing the particular number of days of absence but it can not be at the sweet-will of the Casual Labour to attend the work on the days after remaining unauthorized absence. In such circumstances it can not be said that the management has wrongly removed his name when he was absent from the work particularly when he was directed to attend. Therefore the defence of the management that he abandoned the work voluntarily appears to be proper. It does not amount either to the termination or to the retrenchment. Therefore in my humble view he can not claim on the basis of his attendance which is less than 120 days, a permanency in the service and the benefits of Section 25-F of I.D. Act. In the result the reference deserved to be rejected. According I pass the negative Award.

Date : 30-8-2007

A. N. YADAV, Presiding Officer

नई दिल्ली, 21 जुलाई, 2009

का.आ. 2201.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आल इंडिया रेडियो के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 69/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-42011/107/2007-आई. आर.(डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S.O. 2201. —In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.69/2007) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of All India Radio and their workman, which was received by the Central Government on 21-7-2009.

[No. L-42011/107/2007-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT NO.1, NEW DELHI
KARKARDOOMA COURT COMPLEX, DELHI**

I.D. No. 69/2007

Shri Rishi Pal,
Through Shri B.K. Prasad,
Janwadi General Kamgar Mazdoor Union,
C/o. Room No. 95, Barrack No. 1/10,
Jam Nagar House, New Delhi-110011. Workman

Versus

The Executive Engineer,
All India Radio,
Metro Division-I,
Kingsway Camp,
Delhi-110009. Management

AWARD

Rishi Pal joined services with C.P.W.D. as muster roll beldar on 1-5-86. His services were terminated on 30-6-86. Aggrieved by that order he moved an application before the Central Administrative Tribunal, which was granted. He was reinstated in services w.e.f. 18-9-92. Om Wati, a muster roll beldar was engaged by CPWD on 24-10-88. Her services were regularized on 8-1-94. Similarly Thakur Das was employed as muster roll beldar on 1st of November, 88, whose services were regularized on 8-1-94. Rishi Pal claimed regularization of his services with the management, since his juniors were regularized. His request was not conceded to. Janwadi General Kamgar Mazdoor Union espoused his claim and raised a dispute before the Conciliation Officer. Since conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal vide order No. L-42011/107/2007-IR(DU) dated 20-9-2007 with following terms :

“Whether the demand of the Janwadi General Kamgar Mazdoor Union for regularization of services of Shri Rishi Pal, w.e.f. 8-1-94, by the management of All India Radio is legal and justified? If yes, to what relief the workman is entitled to?”

2. Rishi Pal filed his claim statement detailing there in that he joined services with the management as beldar on 1st of May, 86. His juniors, namely Smt. Om Wati and Thakur Dass were regularized w.e.f. 8th of January, 94. Thakur Dass was also granted financial upgradation under A.C.P. scheme after completion of 12 years of regular service on 7-1-06. Request was made to the management vide letter dated 7-6-06 seeking regularization of his services, which request was not responded to. It was pleaded that the action of the management in not regularizing, his services discriminatory, unjustified and illegal. He claims regularization of his services w.e.f. 8-1-94, in the pay scale of Rs. 2550-3200, besides financial upgradation in the scale of Rs. 3050-4590.

3. Instead of filing written statement to the claim of the workman, the management submitted a letter written by the Executive Engineer (Civil), Metro Division No. II, Civil Construction Wing, All India Radio, Kingsway Camp, New Delhi, wherein it is mentioned that services of Rishi Pal beldar has been regularized w.e.f. 19th of March, 93 as per order dated 9th of July, 2009, alongwith the said letter order No.EE(C-II)/WC/1/2009-10/972 dated 9-7-09 has been filed. Thus, the management projected that service of Rishi Pal Beldar has been regularized w.e.f. 19-3-93.

4. Shri A.P.Gupta A/R for the management also confirmed those very facts in his statement recorded by the Tribunal. His statement is reproduced in extenso as follows :

“Statement of Shri A.P. Gupta A/R of the management, chamber No. 287, Delhi High Court Chambers, Shershah Road, Delhi. without oath.

I am authorized representative of the management, hence competent to make statement on their behalf. Services of Shri Rishi Pal has been regularized w.e.f. 19th of March, 1993. A communication to this effect has been sent by Executive Engineer, Metro Division II, Civil Construction Wing, All India Radio, Kingsway Camp, New Delhi, which is Ex.M-1. Letter issued by Shri B.K.Behra, Executive Engineer (Civil) A.K.B, regularising services of Rishi Pal w.e.f. 19-3-93 is Ex.M-2. Since services of Shri Rishi Pal has been regularized w.e.f. 19th of March, 1993, now there remains no dispute between him and the management. Reference may be answered accordingly. ”

5. In view of these facts it is apparent that services of Rishi Pal has been regularized by the management w.e.f. 19th of March, 93. Certain apprehensions are raised by the workman contending that order EX.M2 speaks of his regularization in service from the date of his joining. In view of the statement made by Shri Gupta, it is expedient to command that when Shri Rishi Pal would submit his joining report it would give effect of services deemed to have been joined on 19-3-93, in pursuance of regularization orders.

He would be paid wages in the scale of Rs. 250-940, which has been revised to Rs. 2550-3200. Financial upgradation would be given to him under ACP scheme on completion of 12 years of regular service on 19-3-2005, in the pay scale of Rs. 3050-4590. An award is accordingly passed. It be sent to the appropriate Government for publication.

Dated: 17-7-09

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 21 जुलाई, 2009

का.आ. 2202.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं मैसर्स एन. ई.पी.सी. एअर लाईन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, ईरनाकुलम के पंचाट (संदर्भ संख्या 17/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-11012/9/2008-आई. आर.(सी. 1)]

स्नेह लता जवास्, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S.O. 2202. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2008) of Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. NEPC Airlines and their workman, which was received by the Central Government on 21-7-2009.

[No. L-11012/9/2008-I.R.(C-1)]

SNEH LATA NAWAS, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri P.L. Norbert, B.A., LL.B., Presiding Officer
(Monday the 6th day of July, 2009, 15th Asadha, 1931)

I. D. No. 17/2008

Worker : Shri Philips C. Abraham,
Mulakilethu House, Kottakkam,
Mavelikara-690 101, Kerala
By Adv. Shri. C. Anilkumar.

Management : M/s. NEPC Airlines, 36, Wallajah
Road, Chennai.

By Adv. Shri P. Veeramuthu.

This case coming up for hearing on 06-07-2009, this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

This is a reference made under Section 10 (1)(d) of Industrial Disputes Act challenging the order of termination of the management.

2. Though both sides entered appearance the management has not filed written statement and the management is remaining absent continuously. There is not even a representation for the management when the case came up today for written statement of the management after repeated postings. It has to be presumed from the circumstances that the management is not seriously disputing the claim. It is unnecessary to keep the case pending without even the submission of written statement by the management. Therefore I find that the termination of the worker from service w.e.f. 1-3-1997 without following the provisions of Industrial Disputes Act is illegal and unjustified.

In the result an award is passed finding that the action of the management of NEPC Airlines, Chennai in dismissing the workman Sri. Phillips C. Abraham from service w.e.f. 1-3-1997 is illegal and unjustified and he is entitled to be reinstated with back wages with all consequential benefits.

The award will come into force one month after its publication in the official gazette.

Dictated to the personal Assistant, transcribed and typed by her, corrected and passed by me on this the 6th day of July, 2009.

P. L. NORBERT, Presiding Officer

Appendix-Nil

नई दिल्ली, 21 जुलाई, 2009

का.आ. 2203.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ओ.एन.जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 175/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-30012/131/1998-आई. आर.(सी.-1)]

स्नेह लता जवास्, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S.O. 2203. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 175/2002) of Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ONGC and their workman, which was received by the Central Government on 21-7-2009.

[No. L-30012/131/1998-I.R.(C-1)]

SNEH LATA NAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 24th day of March, 2009

Industrial Dispute No. 175/2002

BETWEEN:

The General Secretary,
ONGC Contract Worker's Union,
(INTUC), D.No. 47-2-8/1,
Gandhipuram, Rajahmundry-533103. ...Petitioner/Union
And

The General Manager,
ONGC Ltd., K.G. Project,
Danavaipeta,
Rajahmundry-533103Respondent/Management

APPEARANCES

For the-Petitioner : Sri S. V. Somalingam, Advocate

For the Respondent : Sri M. N. Aditya, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-30012/131/98-IR (C-I) dated 30-3-1999 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam transferred to this Court in view of the Government of India, Ministry of Labour's order No.H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.T.I.D.(C), No.10/99 and renumbered in this Court as I.D. No. 175/2002 between the management of ONGC Ltd., and their workmen. The reference is,

SCHEDULE

"Whether the action of the management of ONGC Ltd., Rajahmundry in not regularizing the services of 122 contract labour (List enclosed) who are working in a permanent and perennial nature of work in ONGC Ltd., K.G. Project, Rajahmundry in contravention to the notification issued by the Government of India is justified? If not, to what relief the concerned workmen are entitled?"

2. The Petitioner union submitted their claim statement stating that the 122 contract labour are workmen of the Respondent management and hence, they are entitled for regularization of their services in ONGC Ltd., Rajahmundry.

3. Respondent filed counter. It is submitted that the work is purely project-wise and has no permanent work to be performed at Rajahmundry. It is further submitted that the persons listed in the annexure were being engaged by

the contractors purely on temporary basis as the work of the management itself is project wise in nature. Hence, the reference be answered in favour of the management.

4. On 1-4-2003, records pertaining to this case were transmitted to the Hon'ble High Court of A.P., as the Respondent management filed WP No. 24493/2002 as per Hon'ble High Court of A.P., Hyderabad orders.

5. File received from Hon'ble High Court of A.P., Hyderabad. On 24-3-2009 both parties called absent. Hon'ble High Court of A.P., has quashed the term of reference and proceeding of this tribunal by its order dated 30-6-2008, as such, the case is closed. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 24th day of March, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner NIL	Witnesses examined for the Respondent NIL
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Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 जुलाई, 2009

का.आ. 2204.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं मैसर्स एल.ए.एस.पी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 नई दिल्ली के पंचाट (संदर्भ संख्या 17/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2009 को प्राप्त हुआ था।

[सं. एल-11012/15/2006-आई आर(सी.-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 21st July, 2009

S.O. 2204. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2006) of the Central Government Industrial Tribunal-cum-Labour Court, No.1 New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Livewel Aviation Service (P) Ltd., and their workman, which was received by the Central Government on 21-7-2009.

[No. L-11012/15/2006-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT NO. 1, NEW DELHI**

I.D. No. 17/2006

Shri Vinod Kumar S/o Shri Harish Singh,
C/o Delhi Pradesh Kamgaar Ekta Sangh (Regd.),
RZF/53, Sitapuri, Part-II,
New Delhi-110045.

....Workman

Versus

M/s Livewel Aviation Service Private Limited,
8/2, Mehram Nagar, Opposite-Palam Airport,
New Delhi.

....Management

AWARD

Vinod Kumar was working as sweeper at Delhi office of M/s. Livewel Aviation Service Private Limited (hereinafter referred to as the management). He was paid monthly wages at Rs. 2863. He was transferred to Bangalore office of the management on 10-10-2004. He claimed that his son fell ill and as such he came to Delhi for his treatment. On 26-11-04 he went to Delhi office of the management to join his duties. He was not allowed to resume his duties. His services were terminated. Vinod Kumar raised a dispute before the Conciliation Officer. When Conciliation proceedings failed, the appropriate government referred the dispute vide order No. L-11012/15/2006-IR(CM-1) dated 01-06-2006 to this Tribunal with the following terms:

“Whether the action of the management of Livewel Aviation Services Pvt. Ltd., 8/141, Mehram Nagar, Opp. Palam Airport, Ground Floor, New Delhi-10 in terminating/discontinuing the services of Shri Vinod Kumar, S/o Shri Harish Singh, Utility Hand /Safai Karamchari w.e.f. 26-11-2004 is just, fair and legal? If Not. to what relief is the concerned workman entitled?”

2. Claim statement was filed by the workman pleading therein that he was an employee of the management and getting a sum of Rs. 2863 as his wages. The management deducted Rs.500 PM for continuous six months as security. His work was to the entire satisfaction of the management. He projects that his signatures were obtained on some documents written in English as well as on some plain papers and thereafter he was taken to Bangalore in an aeroplane on 10-10-04. He was made to work in Bangalore office of the management. No assurance was given to him concerning his return to Delhi. He received an information about ailment of his son. He moved leave application and asked for fare for inward journey. No fare was given. His leaves were not sanctioned. He was told orally that after treatment of his son he can join Delhi office of the management. On 26-11-04 he went to Delhi office along with

medical certificate of his son. Original copy of leave application was taken. However he was not allowed to join duties. He raised a demand on 17-12-04. When he went to Delhi office of the management, Manager talked on telephone at Bangalore Office. He was not taken on job. His earned wages were not paid. His termination is in violation of the provisions of Section 25 F of the Industrial Disputes Act, 1947. He claimed reinstatement of his services with continuity and full back wages.

3. Contest was given to the claim by the management pleading that the management is a private limited company, having its corporate office at 9, Naryan Udyog Bhawan, Lal Baug Industrial Estate, Dr. Ambedkar Road, Lal Baug, Mumbai-400012. The management has its branch office at 8/2, Mehram Nagar, opposite Palam Airport, New Delhi. It has been pleaded that appropriate Government was the State Government, hence reference before this Tribunal is not competent. It is pleaded that the claimant was appointed as a “Trainee Utility Hand” in terms of appointment letter dated 27-10-03. He had suffered misconducts and gross negligence during training period. He tendered written apology number of times. He did not improve his habit and conduct, therefore, he was not found fit to be absorbed permanently. He was sent to Bangalore on 9-10-2004 for a period of six months on deputation from 10-10-04 to 31-3-05. He was informed that he was entitled to travel back to Delhi at the cost of the management, after completion of six months deputation period. He left Bangalore office without any prior information or permission of his superiors. He absented from duties and was suspended for three days from 31-10-04 to 2-11-04. He quarreled with his superiors on 2-11-04 and for that misconduct he tendered written apology. Considering his past conduct, he was relieved from services vide letter dated 8-2-05. It is pleaded that the workman was not regularized in services. His services were dispensed with in pursuance of the terms of the appointment letter. He is not entitled for reinstatement in services.

4. The workman had abandoned the proceedings. Registered notice was sent to him on 22-6-09. Postal article was received back with the report that he was not residing at the given address. Notice was sent to the workman through Delhi Pradesh Kamgaar Ekta Sangh (Regd.), RZF/53 Sita Puri Part -V, New Delhi, the address provided by the appropriate Government, in reference letter. Therefore, it is evident that the workman was not available at the given address. Consequently the Tribunal could not lay its hands on the workman to call him to prosecute his claim.

5. Affidavit of Shri Mahesh Kaushik was tendered in evidence on behalf of the management, wherein facts pleaded in the written statement has been reaffirmed. Out of facts sworn by Shri Mahesh Kaushik, it came to light that the management is a private limited company, engaged in providing services and manpower to its clients. Therefore, in relation to the dispute between Shri Vinod

Kumar and the management, the Central Government is not the appropriate Government. Clause (a) of Section 2 of the Industrial Disputes Act, 1947 (in short the Act) defines the appropriate Government. For the sake of convenience the said definition is reproduced as follows :—

“appropriate Government” means—

(i) in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government, or by a railway company or concerning any such controlled industry as may be specified in this behalf by the Central Government or in relation to an industrial dispute concerning a Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), or the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 1956) or the Employees' State Insurance Corporation established under section 3 of the Employees' State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5 A and section 5B, respectively, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or the Oil and Natural Gas Corporation Limited registered under the Companies Act, 1956 (1 of 1956), or the Deposit Insurance and Credit Guarantee Corporation established under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under section 3 of the Warehousing Corporation Act, 1962 (58 of 1962) or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under section 3, or a Board of Management established for two or more contiguous States under section 16, of the Food Corporations Act, 1964 (37 of 1964), or the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994 (55 of 1994) or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India Limited, the National Housing Bank established under section 3 of the National Housing Bank Act, 1987 (53 of 1987), or an air transport service, or a banking or an insurance company, a

mine, an oil field, a Cantonment Board, or a major port, the Central Government, and

(ii) in relation to any other industrial dispute, the State Government.”

6. As projected by the management, it is a private limited company having its registered office at Mumbai and branch office at Delhi. It provides service and manpower to its clients. Therefore, affairs concerning the management nowhere falls within the ambit of Industry carried on by or under the authority of the Central Government. In that situation it is the State Government who is appropriate Government in relation to any dispute concerning the affairs of the management and the workman, as enacted by clause (a) of section 2 of the Act. It emerges over the record that without application of any mind the present dispute has been referred to this Tribunal.

7. As projected by Mahesh Kaushik the workman was employed as a “Trainee Utility Hand”, whose work and conduct was not found satisfactory. He misconducted himself, for which he tendered apology letters time and again. Considering his work and conduct the management opted not to continue him in the job. His services were dispensed with, in pursuance of terms and conditions contained in his appointment letter Ex.MW/2. Under these circumstances it emerges that services of the workman were dispensed with in accordance with the terms and conditions of his service.

8. In view of the fact that the Central Government was not appropriate Government in relation to the dispute between Vinod Kumar and the Management, the present reference is not competent. Under these circumstances it is not expedient to adjudicate the terms of the reference and to ascertain justifiability, fairness and legality of the action of the management, in terminating services of Vinod Kumar. The reference is accordingly answered. A copy of the award be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated : 13-7-09

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2205.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 122/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई. आर. (बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2205.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.122/2005) of Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No.L-12014/1/2009-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Ved Prakash Gaur, Presiding Officer

the 24th day of February, 2009

Industrial Dispute L.C. No. 122/2005

BETWEEN

Sri Doppada Krishnamurthy,
S/o D. Kurranna,
R/o H.No.17, Golla Village,
Thirugathanppara Post,
Hira Mandala Mandalam,
Sri Lakshmi District-518 222.

.....Petitioner

(Petitioner)

Sri P. Phani Gowri, General Manager,
State Bank of India,
Central Office, R TC Complex,
Visakhapatnam.

.....Respondent

APPEARANCES

For the Petitioner : M/s C. Vijaya Shekar Reddy and
S. Vijay Venkatesh, Advocates

For the Respondent : Sri B. G. Ravindra Reddy,
Advocate

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Non-Messenger on 1-1-83 in SBI Hiramandalam Branch of the respondent bank. He worked in different spells from 1-1-83 to 31-7-88 for a period of 112 days. He was empanelled

in the year 1989 and was absorbed by the Respondent in the year 1989. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 24-2-2009 petitioner called absent while Respondent's counsel is present. Petitioner is not attending to this case for last two years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 24th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

NIL

Witnesses examined
for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2206.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 7/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2206.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2005) of Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 5th day of February, 2009

Industrial Dispute L.C.No. 7/2005

BETWEEN

Sri Chandam Yogaiah,
S/o Musalaiah,
R/o Boreddipalli Junction,
Boreddipalli (Post),
Tripuranthakam (M),
Prakasam District.

...Petitioner

AND

The Chief General Manager (Personal),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad.

...Respondent

APPEARANCES

For the Petitioner : M/s S. Prasada Rao,
C.V. Vysampayan, C. Bala
Subramanyam & K. Bharathi,
Advocates.

For the Respondent : M/s. B.G. Ravindra Reddy &
B.V. Chandra Sekhar,
Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri. U. Chinappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondent questioning the action of the Respondents in terminating him. He submitted that he was appointed as Water Boy in June, 1980 in Respondent organization at Hyderabad. He worked from June, 1980 to March, 1997 for a period of 317 days. He was empanelled in the year 1994. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support of their respective contentions. Petitioner filed his chief examination affidavit on 25-9-2006. Later he did not turn up for cross examination.

5. On 5-2-2009 petitioner called absent while Respondent's counsel is present. Petitioner is not attending to this case for the last three years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 5th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

Witnesses examined for the
Respondent

WW 1 : Sri Chandam
Yogaiah

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2207.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 9/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2207.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2005) of Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 3rd day of February, 2009

Industrial Dispute L.C.No. 9/2005

BETWEEN

Sri I Narayana,
S/o Yellaiah,
R/o H. No. 125, NTR Colony,
Govindrapeta Village & Mandal,
Warangal District-506 334.

....Petitioner

AND

The Asst. General Manager,
State Bank of India,
Personnel & HRD, Local Head Office,
Bank Street, Koti,
Hyderabad.

... Respondent

APPEARANCES

For the Petitioner : M/s C. Vijaya Shekar Reddy
& S. Vijay Venkatesh,
Advocates
For the Respondent : M/s. B.G. Ravindra Reddy,
P. Srinivasulu & B.V.
Chandra Sekhar, Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri. U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondent questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 1-3-90 in SBI Govindrapeta Branch of the respondent bank. He worked in different spells from 1-3-90 to 29-3-90 for 25 days and from 19-8-91 to 18-9-91 for a period of 31 days. He was terminated orally on 29-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 29-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support of their respective contentions. On 3-2-2009 none responded from the side of the petitioner while Respondent's counsel is present. The case is fixed for Petitioner's evidence who is absent as such, the case is dismissed in absence of workman.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 3rd day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

AWARD

क्रा.आ. 2208.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 68/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई.आर (बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2208.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.68/2005) of Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of Hyderabad and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 1st day of May, 2009

Industrial Dispute L.C.I.D. No. 68/2005

BETWEEN

Sri P. Srinivas,
S/o Ramulu, C/o A.P. Industrial
Employees Union, "House of Labour",
King Kothi Road, Hyderabad-29.Petitioner

AND

1. The Dy. General Manager,
Personal Department,
State Bank of Hyderabad,
Gunfoundry Head Office, Hyderabad.
2. The Branch Manager,
State Bank of Hyderabad,
Bellavista Branch, Somajiguda Branch,
Hyderabad. Respondents

APPEARANCES

For the Petitioner : M/s. N. Meenakshi, C.
Lavanya & G. Sailaja,
Advocates

For the Respondent : Sri Ch. Siva Reddy, Advocate

This is a petition filed under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others by Sri. P. Srinivas challenging the illegality and validity of the order passed by the Respondent dated 6-6-2005 thereby the services were orally terminated by the Respondent.

2. It has been stated by the Petitioner that he was appointed by the Respondent as casual labour from 18-6-1996 and was posted under 2nd Respondent where the Petitioner worked for more than 240 days continuously without any break in that year on a wage of Rs. 50 per day. The Petitioner has worked in that capacity for more than 14 years but he was not made regular. When the Petitioner insisted for regularization and asked for the correct payment of wages then the services of the Petitioner were terminated on 6-6-2005 without any written order or following the due procedure. Before that the Petitioner made a representation dated 19-5-2005 to regularize his services and pay arrears of wages as per the wages paid to the casual labourer of Kakatiyanagar branch who raised ID No. 35/2001 which was decided on 24-9-2002 and the casual labour of the Kakatiyanagar branch were given wages as per rules and they were also paid arrears of the wages. The Petitioner moved a petition to follow the procedure of 1/3rd pay after two years one half of pay after another two years and 3/4th pay after another two years. The Petitioner further served a reminder on 31-5-2005 but no action was taken by the Respondent management. The action of the management in orally terminating the services of the Petitioner is illegal and against the principles of Industrial Disputes Act, 1947. The Hon'ble High Court of A.P. in WP No. 15555/93 directed the Respondent to consider the cases of the Petitioners of that case. Another WP No. 18436/2004 decided on 11-10-2004, the Hon'ble High Court of A.P., directed the Respondent to pass appropriate order on the observations of the regular employees. But the Respondent has not obeyed that order also. Hence, this petition.

3. The Respondent management has filed counter statement. They have challenged the maintainability of the claim petition. The Respondent has submitted that the Petitioner has not worked for more than 240 days. He was not on the rolls of the bank as such, the, question of termination of the services did not arise, the allegation to this effect is baseless and misconceived. The bank has never engaged Petitioner in their employment nor the vacancies were notified, the Petitioner was engaged for casual work when his services were required by the bank. He was never employed as regular or a full day worker. He is not entitled for the benefit Sec.25F of the Industrial Disputes Act, 1947, because he was engaged to work as and when the bank required services of the Petitioner, he

was employed for that date only. The Petitioner has no force and deserves to be rejected or dismissed. The Petitioner can not claim any advantage from the order passed in WP No. 15555/93 or WP No. 18436/2004 because the Petitioner was not a party to this petition.

4. Parties were directed to produce their respective evidence. Petitioner filed his affidavit as examination in chief and presented himself for cross examination. He has filed documents marked as Exs.W1 to W23. Respondent bank has filed affidavit of Mr. Ch. Surender Raju as MW 1, as examination in chief and presented him for cross examination. Respondent has also filed xerox copy of the award dated 24-9-2004 passed in ID No. 35/2001. Copy of the order of Hon 'ble High Court of A.P. passed in WP No.15555/93 between Vishnu Kumar and K. Raju Vs. M.D., State Bank of Hyderabad. Letter of the Personnel department No. PER.GR.VI/7777 dated 28-3-2005 to Sri N. Rama Krishna and another letter addressed to Sri V. S. Krishna Chary, another letter to Sri K. Vijaya Kumar informing them that the bank is not in a position to absorb them in the bank's services.

5. I have heard counsels for both the parties and have perused the relevant claim and counter statements of the parties, documentary and oral evidences filed by them. It has been argued by the Learned Counsel for the Petitioner that the Petitioner has challenged the oral order of termination without following the procedure laid down u/s 25F of the Industrial Disputes Act, 1947 because the Petitioner has already put in more than 240 days of service under the management and control of the Respondent Nos. 1 and 2. Thus, non-observance of the provision of Sec. 25F in this case is fatal and it cut the very root of the termination order because the compensation u/s 25F of the Industrial Disputes Act, 1947 has not been paid in this case. As against this argument of the Learned Counsel for the Petitioner, the Learned Counsel for the Respondent has argued that the Petitioner of this case has not been able to show and prove that he has worked for more than 240 days in the year preceding the alleged date of termination of his services. The Petitioner has not produced any appointment letter to show as to when he was appointed in the bank's services. The Learned Counsel for Respondent has cited the statement of the Petitioner dated 1-3-2006 wherein, during cross examination the Petitioner has admitted that he was not given any appointment order. The Respondent's counsel has further cited the oral statement of the Petitioner dated 1-3-2006 wherein the Petitioner has stated that he was not assured in the writing for regularization. The Petitioner has stated that he worked on the extension counter of the Respondent bank at R TI office. The Petitioner has stated that Respondent bank has not recruited anybody as temporary employee for the last five years. A suggestion has been given to the Petitioner by the Respondent that he has not worked for more than 240 days in a year, though the Petitioner has denied the

suggestion but the Petitioner on his own has not filed any documentary or other reliable evidence which may prove that the Petitioner has worked for more than 240 days in the year preceding date of his termination. Learned Counsel for the Respondent has argued that it is the duty of the Petitioner before the Industrial Tribunal to prove that he has worked for more than 240 days in the year preceding the date of termination of the services then. only the Petitioner's shall be entitled for the benefit of Sec.25F of the Industrial Disputes Act, 1947. The Petitioner of this case has not been able to prove that he has worked for more than 240 days preceding the date of his termination as such, the provisions of Sec.25F of the Industrial Disputes Act, 1947 is not applicable in the present case and non-observance of the procedure of Sec. 25F of the Industrial Disputes Act, 1947 does not made the order of disengagement illegal.

6. The Petitioner has filed Ex. W3 xerox copy of the Identity card issued to the Petitioner as casual labour, when this I Card was issued is not clear. When the Petitioner was appointed is not clear. Ex. W 19 is recommendatory letter of the Respondent, the Branch Manager recommending for the absorption of P. Srinivas on consolidated wages. Ex.W1 letter dated 11-3-89 for absorption of three employees which is not concerned with the present petition Exs.W 11 and W 12 are not concerned with the present case. Exs.W 11 to W 14 are letters for re-sending and receiving the clearing bags through the Petitioner in the year 2002. Exs.W 17 and W 18 are letters to deliver high value clearance through P. Srinivas. Ex.W 22 is the letter of Respondent to the State President, A.P. Industrial Employees Union informing him that K. Santosh Kumar, P. Srinivas, V.S. Krishnachary, Bhuraram and Sri N. Ramakrishna are not workmen within the meaning of Industrial Disputes Act, 1947 because they are engaged on day to day basis depending upon contingency and they have no right for regularization. On the basis of these documents, the Petitioner's counsel has argued that the Petitioner has worked from 2002 to 2005 regularly and he has completed 240 days, this shows and proves that the Petitioner has been engaged on those dates when there is work available with the Respondent. There is no document to prove that the Petitioner has continuously worked for more than one day at one stretch of a time, this proves the contention of the Respondent that the Petitioner was engaged only on those dates when there was work available with the Respondent and thus the nature of engagement of the Petitioner was for a single day. He was engaged at the beginning of the date and his services were disengaged on the close of the day. Thus there is no proof or evoot of evidence to substance the contention of the Petitioner that he was continuously working for 240 days or even for single week.

7. Learned Counsel for the Respondent has further argued that the Petitioner has no right to claim regularization or absorption in the services because he was never appointed as a regular casual labour or daily

wage worker. Since the Petitioner was not engaged on the regular basis he cannot claim benefit of absorption or regularization. The services of Petitioner were on the day to day basis, thus, he has no legal right to claim regularization or claim the benefit of Industrial Disputes Act, 1947.

8. I have considered the above argument of the Learned Counsels for the parties and have also gone through the documents cited above and the statement of the Petitioner. In his statement, the Petitioner has nowhere stated that he has continuously worked for more than 240 days. He himself has admitted that no appointment letter was given to him and within last five years no person has been employed by the Respondent bank as temporary employee. This statement was recorded on 1-3-2006 from the own admission of the Petitioner it is proved that since 2001 onwards nobody was employed by the Respondent bank or recruited by the Respondent bank. Hence, the contention of the Petitioner that he is working since 2001 or beyond 2001 is misconceived based on no evidence and not fit to be believed by this Tribunal. It is undisputed that the Petitioner has been engaged when the Respondent bank has work to be done on a particular date, thereby the Petitioner was engaged for a day's work as and when required by the Respondent management. The Petitioner was never appointed or recruited as a regular employee of the bank, his services were disengaged on the close of the day as such, he cannot claim the benefit of Sec. 25F of the Industrial Disputes Act, 1947 and Respondent bank has not committed any illegality in not following the provisions of Sec. 25F of the Industrial Disputes Act, 1947. Since the Petitioner was engaged for a day's work after the close of the day Petitioner did not remain the employee of the bank, therefore, he has not completed more than 240 days in the year preceding the date of his disengagement from the employment. There was no need to follow the procedure of Sec. 25F, Petitioner's disengagement is neither illegal nor it is in violation of the principles of Industrial Disputes Act, 1947 and no interference can be done in the action of the management. The Learned Counsel for the Respondent has cited case of Hon'ble Supreme Court of India reported in 2008(10) page 1 Official Liquidator Vs. Dayanand and others wherein the Hon'ble Supreme Court of India has quashed the appointment of a company paid staff because they have not come through the proper channel and by their absorption in the service, meritorious persons were not given opportunity or could not avail the opportunity to compete for the best. He has further cited the case law reported in 2006(1) Decisions Today (SC) page 493 of the Hon'ble Supreme Court of India in the matter between the Secretary, State of Karnataka & Others Vs. Umadevi & others, wherein the Hon'ble Supreme Court of India has held that the public employment should be made in accordance with the rule - Temporary employees or daily worker or contractual workers have no enforceable legal right to be permanently absorbed into service.

9. On the basis of above two case laws of Hon'ble Supreme Court of India, the Learned Counsel for the Respondent has submitted before this court that if this tribunal comes to a conclusion that the Petitioner was daily rate worker, even though in the light of the judgment of Umadevi, daily wage worker have no enforceable legal right to claim for absorption. More so, in this case, the Petitioner has not been able to prove that he was a regular daily wage worker. But from the evidence available on the record it is clear that the Petitioner was engaged by the Respondent management for only those days when there was work available with the management. Thus, the nature of employment of the Petitioner was that of a purely daily rate worker, whose employment was terminated at the end of the day and thus he was not entitled to claim even daily wage work from the Respondent management. Thus, the disengagement of the Petitioner, who was not appointed following rules of appointment is not fit to be governed by the principles of Industrial Disputes Act, 1947. The disengagement cannot be questioned before this tribunal because Petitioner was not a workman within the meaning of the Industrial Disputes Act, 1947.

10. I have considered the above argument and I have also come to the conclusion that from the evidence on record it is proved that Petitioner was engaged for the day's work and his services or engagement were terminated by the end of the day. As such, the Petitioner cannot claim regularization on the basis of such casual engagement. The action of the management in disengaging the services of the Petitioner is neither illegal nor against the principles of Industrial Disputes Act. It cannot be questioned before this tribunal, the Petitioner has not been able to prove his case for declaring the action of the management as illegal or arbitrary and Petitioner is not entitled for any relief.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected by me on this 1st day of May, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the respondent
WW1 : Sri P. Srinivas	MW1 : Sri Ch. Surender Raju

Documents marked for the Petitioner

Ex. W 1 : Copy of Ir. No. PER/GR. VI/F. 22/2279 from the Personnel Manager, Admn. to the Regional Manager, for permanent absorption under I.D. Act dt. 11-3-1989.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 3rd day of February, 2009

Industrial Dispute L.C. No. 134/2005

BETWEEN

Sri Nallapothala Ramanjaneyulu,

S/O M. Obilesu

B/O M. Chiguram Village,

Paruthi Mandalam,

Adoni, Chittoor District.

...Petitioner

AND

The Deputy General Manager,

State Bank of India,

Zonal Office, Renigunta Road,

Tirumathi, Chittoor District

... Respondent

APPEARANCES

For the Petitioner : Sri S. Vijay Venkatesh,
Advocate

For the Respondent : M/s. B.G. Ravindra Reddy &
B.V. Chandra Sekhar,
Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri. U. Chinappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 18-8-1988 in SBI Gooty Branch of the respondent bank. He worked in different spells from 18-8-88 to 5-7-90 for 169 days and from 20-5-91 to 28-7-91 for a period of 70 days. He was empanelled for regularization in the year 1992 and was absorbed as Messenger in 1992. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take

temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support of their respective contentions. On 3-2-2009 none responded from the side of the petitioner while Respondent's counsel is present. The case is fixed for Petitioner's evidence who is absent as such, the case is dismissed in absence of evidence.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 3rd day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2210.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 130/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई.आर.(बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2210.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 130/2005) of Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 24th day of February, 2009

Industrial Dispute L.C. No. 130/2005

BETWEEN

Sri D. Devadanam,
S/o D. Chinna Keshanna,
R/o H.No. 26/9, Chigaramanpeta,
Done, Kurnool District-518222.Petitioner

AND

The Asstt. General Manager,
State Bank of India,
Personnel & HRD, Local Head Office,
Bank Street, Koti,
Hyderabad.Respondent

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar
Reddy, G. Srinivasa Reddy &
S. Vijay Venkatesh,
Advocates

For the Respondent : M/s. B.G. Ravindra Reddy &
B.V. Chandra Sekhar,
Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) L.L.J. Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri. U. Chinappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 24-5-1988 in SBI Done Branch of the respondent bank. He worked in different spells from 24-5-88 to 2-12-88 for a period of 88 days. He was empanelled in the year 1989 and was absorbed by the Respondent in the year 1989. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take

temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support of their respective contentions. On 24-2-2009 petitioner called absent while Respondent's counsel is present. Petitioner is attending to this case for last two years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 24th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2211.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 129/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई.आर.(बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2211.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129/2005) of Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 24th day of February, 2009

Industrial Dispute L.C. No. 129/2005

BETWEEN

Sri Thappela Aveeranna,
 S/o T. Chinnagilappa,
 R/o H.No. 202, 7th Ward, Harijana Veedhi,
 Gooty, Anantpur District-515401Petitioner

AND

The Deputy General Manager,
 State Bank of India,
 Zonal Office, Renigunata Road,
 TirupathiRespondent

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar
 Reddy, G. Srinivasa Reddy &
 S. Vijay Venkatesh,
 Advocates
 For the Respondent : M/s. B.G. Ravindra Reddy &
 B.V. Chandra Sekhar,
 Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri. U. Chinappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Non-Messenger on 9-4-81 in SBI Gooty Branch of the respondent bank. He worked in different spells from 9-4-81 to 31-12-82 for a period of 178 days. He was empanelled in the year 1989 and was absorbed by the Respondent in the year 1989. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take

temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 24-2-2009 petitioner called absent while Respondent's counsel is present. Petitioner is not attending to this case for last two years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 24th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2212.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 123/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी.1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2212.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 123/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 24th day of February, 2009

Industrial Dispute L.C. No. 123/2005

BETWEEN

Sri Gudisa Pedda Erranna,
S/o G. Netti kallu,
R/o 8-3-78, 10th Ward, Gooty,
Anantpur District —515401.

.....Petitioner

AND

1. The Deputy General Manager,
State Bank of India,
Zonal office, Mangamta Road,
Tirupathi.

... Respondent

APPEARANCES

For the Petitioner : M/s. Vijaya Shekar Reddy
G. Srinivasa & S. Vijay
Venkatesh, Advocates
For the Respondent : Shri B. G. Ravindra Reddy
& B. V. Chandra Sekhar,
Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Non-Messenger on 7-7-81 in SBI Gooty Branch of respondent bank. He worked in different spells from 7-7-81 to 30-9-81 for a period of 86 days. He was empanelled in the year 1989 and was absorbed by the Respondent in the year 1989. He was terminated orally on 31-3-1997. He prays this court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take

temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 24-2-2009 Petitioner called absent while Respondent's counsel present. In absence of Petitioner or his witness, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmitt.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this date 24th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence.

Witnesses examined : Nil
for the

for the Petitioner : Nil

Nil

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2213.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 124/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी.1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2213.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 124/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 24th day of February, 2009

Industrial Dispute L.C. No. 124/2005

BETWEEN

Sri Bandari Nagendra,
 S/o Bandari Thippanna,
 R/o 664, 8th Ward, Behind Old SBI,
 Gooty, Anantpur District-515401.Petitioner

AND

The Deputy General Manager,
 State Bank of India,
 Zonal office, Renigunta Road,
 Tirupathi. Respondent

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar Reddy,
 G. Srinivasa Reddy & S. Vijay
 Venkatesh,
 Advocates
 For the Respondent : M/s. B. G. Ravindra Reddy
 & B. V. Chandra Sekhar,
 Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) L.L.J. Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Non-Messenger on 1-1-81 in SBI Gooty Branch of the Respondent bank. He worked in different spells from 1-1-81 to 31-12-81 for a period of 88 days. He was empanelled in the year 1989 and was absorbed by the Respondent in the year 1989. He was terminated orally on 31-3-1997. He prays this court to direct the Respondents to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under

exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 24-2-2009 Petitioner called absent while Respondent's counsel is present. Petitioner is not attending to this case for last two years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 24th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL.	NIL.

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL.

नई दिल्ली, 22 जुलाई, 2009

का. अ. 2214.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ हैदराबाद प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अस च्यायालय, हैदराबाद की प्रचाह (संदर्भ संख्या 69/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी.1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2214.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 69/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of Hyderabad and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD****Present : Shri Ved Prakash Gaur, Presiding Officer****Dated the 1st day of May, 2009****Industrial Dispute L. C. I. D. No. 69/2005****BETWEEN**

Sri Bhuraram,

S/o Babaram,

C/o A. P. Industrial Employees Union,

"House of Labour", King Kothi Road,

Hyderabad-29.

.....Petitioner

AND

1. The Dy. General Manager,

Personal department,

State Bank of Hyderabad,

Gunfoundry Head Office,

Hyderabad.

2. The Branch Manager,

State Bank of Hyderabad,

Bellavista Branch, Somajiguda Branch,

Hyderabad.

.....Respondents

APPEARANCES

For the Petitioner : M/s. N. Meenakshi, C.
Lavanya and G. Sailaja,
Advocates

For the Respondent : Shri Ch. Siva Reddy,
Advocate

AWARD

This is a petition filed under Sec. 2A (2) of the I. D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others by Sri K. Santhosh Kumar challenging the illegality and validity of the order passed by the Respondent dated 6-6-2005 whereby the services were orally terminated by the Respondent.

2. It has been stated by the Petitioner that he was appointed by the Respondent as casual labour in May, 2001 and was posted under 2nd Respondent where the Petitioner worked for more than 240 days continuously without any break in that year on a wage of Rs. 50 per day. The Petitioner has worked in that capacity for more than 14 years but he was not made regular. When the Petitioner insisted for regularization and asked for the correct payment of wages then the services of the Petitioner were terminated on 6-6-2005 without any written order or following the due procedure. Before that the Petitioner made a representation

dated 19-5-2005 to regularize his services and pay arrears of wages as per the wages paid to the casual labourer of Kakatiyanagar branch who raised ID No. 35/2001 which was decided on 24-9-2002 and the casual labour of the Kakatiyanagar branch were given wages as per rules and they were also paid arrears of the wages. The Petitioner moved a petition to follow the producer of 1/3rd pay after two years one half of pay after another two years and 3/4th pay after another two years. The Petitioner further served a reminder on 31-5-2005 but no action was taken by the Respondent Management. the action of the management in orally terminating the services of the Petitioner is illegal and against the principles of Industrial Disputes Act, 1947. The Hon'ble High Court of A. P. in WP No. 15555/93 directed the Respondent to consider the cases of the Petitioners of that case. Another WP No. 18436/2004 decided on 11-10-2004, the Hon'ble High Court of A.P., directed the Respondent to pass appropriate order on the observations of the regular employees. But the Respondent has not obeyed that order also. Hence, this petition.

3. The Respondent management has filed counter statement. They have challenged the maintainability of the claim petition. The Respondent has submitted that the Petitioner has not worked for more than 240 days. He was not on the rolls of the bank as such, the question of termination of the services did not arise, the allegation to this effect is baseless and misconceived. The bank has never engaged Petitioner in their employment nor the vacancies were notified, the Petitioner was engaged for casual work when his services were required by the bank. He was never employed as regular or a full day worker. He is not entitled for the benefit Sec. 25F of the Industrial Disputes Act, 1947, because he was engaged to work as and when the bank required services of the Petitioner, he was employed for that date only. The Petition has no force and deserves to be rejected or dismissed. The Petitioner can not claim any advantage from the order passed in WP No. 15555/93 or WP No. 18436/2004 because the Petitioner was not a party to this petition.

4. Parties were directed to produce their respective evidence. Petitioner filed his affidavit as examination in chief and presented himself for cross examination. He has filed documents marked as Ex.W1 to W7. Respondent bank has filed affidavit of Mr. Ch. Surender Raju as MW1, as examination in chief and presented him for cross examination. Respondent has also filed xerox copy of the award dated 24-9-2004 passed in ID No. 35/2001. Copy of the order of Hon'ble High Court of A.P. passed in WP No.15555/93 between Vishnu Kumar and K. Raju Vs. M.D., State Bank of Hyderabad. Letter of the Personnel department No.PER.GR.VI/7777 dated 28-3-2005 to Sri N. Rama Krishna and another letter addressed to Sri V. S. Krishna Chary, another letter to Sri K. Vijaya Kumar informing them that the bank is not in a position to absorb them in the bank's services.

5. I have heard counsels for both the parties and have perused the relevant claim and counter statements of the parties, documentary and oral evidences filed by them. It has been argued by the Learned Counsel for the Petitioner that the Petitioner has challenged the oral order of termination without following the procedure laid down u/s 25F of the Industrial Disputes Act, 1947 because the Petitioner has already put in more than 240 days of service under the management and control of the Respondent Nos. 1 and 2. Thus, non-observance of the provision of Sec. 25F in this case is fatal and it cut the very root of the termination order, because the compensation u/s 25F of the Industrial Disputes Act, 1947 has not been paid in this case. As against this argument of the Learned Counsel for the Petitioner, the Learned Counsel for the Respondent has argued that the Petitioner of this case has not been able to show and prove that he has worked for more than 240 days in the year preceding the alleged date of termination of his services, because the Petitioner has not produced any appointment letter to show as to when he was appointed in the bank's services. The Learned Counsel for Respondent has cited the statement of the Petitioner dated 1-3-2006 wherein during cross-examination the Petitioner has admitted that he was not given any appointment order. The Respondent's counsel has further cited the oral statement of the Petitioner dated 1-3-2006 wherein the Petitioner has stated that he was not assured in the writing for regularization. The Petitioner has stated that he worked on the extension counter of the Respondent bank at RTI office. The Petitioner has stated that Respondent bank has not recruited anybody as temporary employee for the last five years. A suggestion has been given to the Petitioner by the Respondent that he has not worked for more than 240 days in a year, though the Petitioner has denied the suggestion but the Petitioner has on his own has not filed any documentary or other reliable evidence which may prove that the Petitioner has worked for more than 240 days in the year preceding date of his termination. Learned Counsel for the Respondent has argued that it is the duty of the Petitioner before the Industrial Tribunal to prove that he has worked for more than 240 days in the year preceding the date of termination of the services then, only the Petitioner shall be entitled for the benefit of Sec.25F of the Industrial Disputes Act, 1947. The Petitioner of this case has not been able to prove that he has worked for more than 240 days preceding the date of his termination as such, the provisions of Sec.25F of the Industrial Disputes Act, 1947 is not applicable in the present case and non-observance of the procedure of Sec.25F of the Industrial Disputes Act, 1947 does not made the order of disengagement illegal.

6. However, the Petitioner has filed Ex.W1 letter dated 11-3-89 for absorption of three employees which is not concerned with this present petition. Ex.W2 is dated 29-12-99 regarding absorption of temporary employees on

consolidate wage. Ex.W4 is the letter dated 1-7-2002 proposal-cum-application for appointment forwarded to Head Office, by the Respondent No.2 for the Petitioner. On the basis of this document, the Petitioner's counsel has argued that the Petitioner has worked from 2002 to 2005 regularly and he has completed 240 days, Respondent's counsel argued that the Petitioner has been engaged on those dates when there is work available with the Respondent. There is no document to prove that the Petitioner has continuously worked for more than one day at one stretch of a time, this proves the contention of the Respondent that the Petitioner was engaged only when there was work available with the Respondent and thus the nature of engagement of the Petitioner was for a single day. He was engaged at the beginning of the date and his services were disengaged on the close of the day. Thus there is no proof or evout of evidence to substance the contention of the Petitioner that he was continuously working for 240 days or even for single week.

7. Learned Counsel for the Respondent has further argued that the Petitioner has no right to claim regularization or absorption in the services because he was never appointed as a regular casual labour or daily wage worker. Since the Petitioner was not engaged on the regular basis he cannot claim benefit of absorption or regularization. The services of Petitioner were on the day-to-day basis, thus, he has no legal right to claim regularization or claim the benefit of Industrial Disputes Act, 1947.

8. I have considered the above argument of the Learned Counsels for the parties and have also gone through the documents cited above and the statement of the Petitioner. In his statement, the Petitioner has nowhere stated that he has continuously worked for more than 240 days. He himself has admitted that no appointment letter was given to him and within last five years no person has been employed by the Respondent bank as temporary employee. This statement was recorded on 1-3-2006, from the own admission of the Petitioner it is proved that since 2001 onwards nobody was employed by the Respondent bank or recruited by the Respondent bank. Hence, the contention of the Petitioner that he is working since 2001 or beyond 2001 is misconceived based on no evidence and not fit to be believed by this tribunal. It is undisputed that the Petitioner has been engaged when the Respondent bank has work to be done on a particular date, thereby the Petitioner was engaged for a day's work as and when required by the Respondent management. The Petitioner was never appointed or recruited as a regular employee of the bank, his services were disengaged on the close of the day as such, he cannot claim the benefit of Sec.25F of the Industrial Disputes Act, 1947 and Respondent bank has not committed any illegality in not following the provisions of Sec.25F of the Industrial Disputes Act, 1947. Since the Petitioner was engaged for a day's work after the close of

the day Petitioner did not remain the employee of the bank, therefore, he has not completed more than 240 days in the year preceding the date of his disengagement from the employment. There was no need to follow the procedure of Sec.25F, Petitioner's disengagement is neither illegal nor it is in violation of the principles of Industrial Disputes Act, 1947 and no interference can be done in the action of the management. The Learned Counsel for the Respondent has cited case of Hon'ble Supreme Court of India reported in 2008(10) pages 1 Official Liquidator Vs. Dayanand and others wherein the Hon'ble Supreme Court of India has quashed the appointment of a company paid staff because they have not come through the proper channel and by their absorption in the service, meritorious persons were not given opportunity or could not avail the opportunity to compete for the best. He has further cited the case law reported in 2006(1) Decisions Today (SC) page 493 of the Hon'ble Supreme Court of India in the matter between the Secretary, State of Karnataka & Others Vs. Umadevi & others, wherein the Hon'ble Supreme Court of India has held that the public employment should be made in accordance with the rule - Temporary employees or daily worker or contractual workers have no enforceable legal right to be permanently absorbed into service.

9. On the basis of above two case laws of Hon'ble Supreme Court of India, the Learned Counsel for the Respondent has submitted before this court that if this tribunal comes to a conclusion that the Petitioner was daily rate worker, even though in the light of the judgment of Umadevi, daily wage worker have no enforceable legal right to claim for absorption. Moreso, in this case, the Petitioner has not been able to prove that he was a regular daily wage worker. But from the evidence available on the record it is clear that the Petitioner was engaged by the Respondent management for only those days when there was work available with the management. Thus, the nature of employment of the Petitioner was that of a purely daily rate worker, whose employment was terminated at the end of the day and thus he was not entitled to claim even daily wage work from the Respondent management. Thus, the disengagement of the Petitioner, who was not appointed following rules of appointment is not fit to be governed by the principles of Industrial Disputes Act, 1947. The disengagement cannot be questioned before this tribunal because Petitioner was not a workman within the meaning of the Industrial Disputes Act, 1947.

10. I have considered the above argument and I have also come to the conclusion that from the evidence on record it is proved that Petitioner was engaged for the day's work and his services or engagement were terminated by the end of the day. As such, the Petitioner cannot claim regularization on the basis of such casual engagement. The action of the management in disengaging the services of the Petitioner is neither illegal nor against the principles of Industrial Disputes Act. It

cannot be questioned before this tribunal, the Petitioner has not been able to prove his case for declaring the action of the management as illegal or arbitrary and Petitioner is not entitled for any relief.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 1st day of May, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW 1: Sri Bhuraram	MW1: Sri Ch. Surender Raju

Documents marked for the Petitioner

- Ex.W1 : Copy of Ir.No.PER/GR.VI/F.22/2279 from the Personnel Manager, Admn. to the Regional Manager, for permanent absorption under ID Act, dt.11-3-1989.
- Ex.W2 : Copy of Ir. Dt. 29-12-99 reg. Absorption of temporary employees on consolidate wage.
- Ex.W3 : Coy of Circular for payment of bonus dt. 5-6-2002.
- Ex.W4 : Copy of proposal for appointment forwarded to Head Office by the Respondent No. 2 dt.1-7-2002.
- Ex.M5 : Copy of Ir. of personnel department to all the branch managers etc. directing to terminate immediately dt. 3-6-2005.
- Ex.W6 : Copy of reply to WW 1's union President on representation made by the union dt. 2-7-2005
- Ex.W7 : Copies of Petty cash vouchers.

Documents marked for the Respondent

- Ex.M1 : Copy of award of CGIT cum Labour Court, Hyderabad dt 24-9-2002.
- Ex.M2 : Copy of order in WP No.15555/1993 dt. 28-3-97.
- Ex.M3 : Copy of order in WP No.18436/2004 dt.11-10-2004.
- Ex.M4 : Copy of Ir. of State Bank of Hyderabad head office to Sri N. Rama Krishna dt 28-3-2005.
- Ex.M5 : Copy of Ir. of State Bank of Hyderabad to Sri V.S. Krishnachary dt. 28-3-2005.
- Ex.M6 : Copy of Ir. of State Bank of Hyderabad to Sri K. Vijay Kumar dt. 28-3-2005.

नई दिल्ली, 22 जुलाई, 2009

AWARD

का. आ. 2215.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 226/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी. I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2215.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 226/2004) of the Central Government Industrial Tribunal -cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated, the 5th day of February, 2009

Industrial Dispute L. C. No. 226/2004**BETWEEN**

Sri V. Deva Dasu,
S/o Ramulu,
R/o 7-1-632/24/1, Bapu Nagar,
Sanjeeva Reddy Nagar,
Hyderabad—500 038

.....Petitioner

AND

The Chief General Manager (Personal),
State Bank of India,
Local Head Office,
Bank Street, Koti, Hyderabad.

.....Respondents

APPEARANCES

For the Petitioner : M/s. S. Prasada Rao, C.V.
Vysampayan & C. Bala
Subramanyam, Advocates

For the Respondent : M/s. B. G. Ravindra Reddy
& B. V. Chandra Sekhar,
Advocates.

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Water Boy in April, 1981 in Respondent organization at Hyderabad. He worked from April, 1981 to March, 1997 for a period of 359 days. He was empanelled in the year 1994. He was terminated orally on 31-3-1997. He prays this court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. Petitioner filed his chief examination affidavit on 20-10-2006. Later he did not turn up for cross examination.

5. On 5-2-2009 Petitioner called absent while Respondent's counsel is present. Petitioner is not attending to this case for the last three years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 5th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

WW 1: Sri V. Deva Dasu

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

Witnesses examined
for the
Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2216.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 234/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2216.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 234/2004) of the Central Government Industrial Tribunal -cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 3rd day of February, 2009

Industrial Dispute L. C. No. 234/2004

BETWEEN

Sri M. Pullanna,
S/o M. Vannurappa,
R/o I-120, Vajrakarur (Vill. & Mandal)
Anantapur District—515832.Petitioner

AND

The Asst. General Manager,
State Bank of India,
Zonal Office, Renigunta Road,
Tirupathi.Respondents

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar Reddy &
S. Vijay Venkatesh, Advocates
For the Respondent : M/s. Shri B. G. Ravindra Reddy
& B. V. Chandra Sekhar,
Advocates.

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 22-3-91 in SBI Vajrakarur Branch, Anantpur District of the respondent bank. He worked in different spells from 22-3-91 to 14-6-91 in total 75 days. He was empanelled for regularization in the year 1992 and was absorbed as messenger in 1992. He was terminated orally on 31-3-1997. He prays this court to direct the Respondents to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 3-2-2009 none responded from the side of the petitioner while Respondent's counsel is present. There is no adjournment application, as such, Petitioner's evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 3rd day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2217.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 237/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2217.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 237/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 3rd day of February, 2009

Industrial Dispute L. C. No. 237/2004

BETWEEN

Sri Gajji Sadaiah,
S/o G. Pochaiah,
R/o 4-9, Pathipaka Village,
Shyamapeta Mandal,
Warangal District—506319.Petitioner
AND

The Asst. General Manager
State Bank of India,
Personnel & HRD, Local Head Office,
Bank Street, Koti,
Hyderabad.Respondents

APPEARANCES

For the Petitioner : M/s. C. Vjaya Shekar Reddy &
S. Vijay Venkatesh,
Advocates

For the Respondent : M/s. B. G. Ravindra Reddy &
B. V. Chandra Sekhar,
Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 8-3-89 in SBI Shyampeta Branch, of the respondent bank. He worked in different spells from 8-3-89 to 3-2-90 in total 102 days. He was empanelled for regularization in the year 1992 and was absorbed as messenger in 1992. He was terminated orally on 31-3-1997. He prays this court to direct the Respondents to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 3-2-2009 none responded from the side of the petitioner while Respondent's counsel is present. Petitioner is not attending to the case for about more than three years, as such, Petitioner's evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 3rd day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined
for the
Petitioner
NIL

Witnesses examined
for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

AWARD

का. आ. 2218.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 238/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2218.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 238/2004) of the Central Government Industrial Tribunal -cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 3rd day of February, 2009

Industrial Dispute L. C. No. 238/2004

BETWEEN

Sri G. Tyagaraju.
S/o. G. Sumitraiah,
R/o 9-3-288/F, Ambedkar Nagar,
Urvakonda,
Anantapur District—515812.

.....Petitioner

AND

The Asst. General Manager,
State Bank of India,
Zonal Office, Renigunta Road,
Tirupathi.

.....Respondent

APPEARANCES

For the Petitioner M/s. C. Vjaya Shekar Reddy
& S. Vijay Venkatesh,
Advocates.

For the Respondent : M/s. B. G. Ravindra Reddy
& B. V. Chandra Sekhar,
Advocates.

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 1-1-82 in SBI Urvakonda Branch, of the respondent bank. He worked in different spells from 1-1-82 to 31-12-83 for 89 days. He was empanelled in the year 1989 and was absorbed by the Respondent in the year 1992. He was terminated orally on 31-3-1997. He prays this court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 3-2-2009 none responded from the side of the petitioner while Respondent's counsel is present. The case is fixed for Petitioner's evidence who is absent as such, the case is dismissed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Pahani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 3rd day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of EvidenceWitnesses examined
for the Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2219.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 258/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2219.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 258/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated, the 5th day of February, 2009

Industrial Dispute L.C. No. 258/2004

BETWEEN

Sri T. Chenchu Babu,
S/o T. Chenchuramaiah,
R/o 12-5-563, Krishnadevarayanagar,
Tirupathi. Chittoor District.Petitioner

AND

The Chief General Manager (Personal),
State Bank of India, Local Head Office,
Bank Street Koti, Hyderabad. ...Respondent

APPEARANCES

For the Petitioner : M/s. S. Prasada Rao, C.V.
Vysampayan, C. Bala
Subramanyam, K. Jhansi Rani
& K. Bharathi, Advocates

For the Respondent : M/s. B.G. Ravindra Reddy &
B.V. Chandra Sekhar, Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger in August, 1989 in Respondent organization at

Hyderabad. He worked from August, 1989 to March, 1997 for a period of 593 days. He was empanelled in the year 1994. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. Petitioner filed his chief examination affidavit on 25-9-2006. Later he did not turn up for cross examination.

5. On 5-2-2009 petitioner called absent while Respondent's counsel is present. Petitioner is not attending to this case for the last three years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 5th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1: Sri T. Chenchu Babu	Nil
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Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2220.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 10/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2220.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2005) of the Central Government Industrial Tribunal -cum- Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 3rd day of February, 2009

Industrial Dispute L.C. No. 10/2005

BETWEEN

Sri Bulusu Srinivasa Rao,
S/o Late, B. Krishnamurthy,
R/o 50-81-22/2, Seethampeta Main Road,
Visakhapatnam—530016.Petitioner

AND

The Deputy General Manager,
State Bank of India, Zonal Office,
RTC Complex, Visakhapatnam. ...Respondent

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar Reddy
and S. Vijay Venkatesh,
Advocates

For the Respondent : M/s. B.G. Ravindra Reddy P.
Srinivasulu and B.V. Chandra
Sekhar, Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 1-3-79 in SBI AU Campus Branch, Visakhapatnam. He worked in different spells from 1-3-79 to 20-1-81 for a period of 170 days. He was empanelled in the year 1989 and absorbed by the Respondent as Messenger. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never

appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service of 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 3-2-2009 none responded from the side of the petitioner while Respondent counsel is present. The case is fixed for Petitioner's evidence who is absent as such, the case is dismissed in absence of workman.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 3rd day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2221.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 259/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2221.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 259/2004) of the Central Government Industrial Tribunal -cum- Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 5th day of February, 2009

Industrial Dispute L.C. No. 259/2004

BETWEEN

Sri K. Venkateswarlu,
 S/o Ramulu,
 R/o Prakash Nagar,
 3rd Ward, Chirala
 Prakasam District.

.....Petitioner

AND

The Chief General Manager (Personal),
 State Bank of India,
 Local Head Office,
 Bank Street Koti,
 Hyderabad.

...Respondent

APPEARANCES

For the Petitioner : M/s S. Prasada Rao, C.V.
 Vysampayan, C. Bala
 Subramanyam, K Jhansi Rani
 & K. Bharthi, Advocates

For the Respondent : M/s. B.G. Ravindra Reddy &
 B.V. Chandra Sekhar, Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger in September, 1987 in Respondent organization at Hyderabad. He worked from September, 1987 to March, 1997 for a period of 359 days. He was empanelled in the year 1994. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to

categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support of their respective contentions. Petitioner filed his chief examination affidavit on 25-9-2006. Later he did not turn up for cross examination.

5. On 5-2-2009 petitioner called absent while Respondent's counsel is present. Petitioner is not attending to this case for the last three years, as such, his evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected by me on this the 5th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri K. Venkateswarlu	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2222.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट ट्रेडिंग कॉर्पोरेशन ऑफ इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, न. 1 नई दिल्ली के पंचाट (संदर्भ संख्या 17/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-42011/50/2008-आई-आर(डी.यू.)]
 सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2222.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2009) of the Central Government Industrial Tribunal -cum-Labour Court, No. 1 New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Trading Corporation of India Ltd. and their workman, which was received by the Central Government on 22-7-2009.

[No. L-42011/50/2008-IR(DU)]
 SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R.K. YADAV PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT NO. 1, NEW DELHI
KARKARDOOMA-COURT-COMPLEX, DELHI**

I.D.No. 17/2009

Shri Gopal Singh & Ors.,

C/o STC of India Ltd.,

22, Rajpura Road, Civil Lines,

New Delhi

Workmen

Versus

The Chief Manager (Pers.),

State Trading Corporation of India Limited,

Jawahar Vyapar Bhawan, Tolstoy Marg,

New Delhi—110001.

Management

AWARD

State Trading Corporation of India Employees Union had its emergent general body meeting on 20th of November, 2007, wherein it took a decision that monthly contribution from its members may be deducted from their salaries @ Rs. 30/- PM instead of Rs. 15/- PM. In pursuance of Memorandum of Settlement entered into between the State Trading Corporation Employees Union, and the management, the latter started deduction of Rs. 30/- PM from salary of its employees as membership contribution of the union. Gopal Singh and his thirty associates filed a complaint with the management on 21-2-2008 in that regard. They raised the dispute before the Conciliation Officer. When Conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal vide order No. L-4201 1/50/2008 IR (DU) dated 16-02-2009 with following terms:

“Whether the action of the management of the State Trading Corporation, New Delhi in enhancing the amount for deduction of the subscription for the union from the salary of their employees listed in Annexure, from Rs. 15/- to 30/-, deduction of Rs. 100/- from the salary for the month of November, 2007 and Rs. 600/- from the amount of interim relief paid to them in February, 2008, is legal and justified? If not, to what relief the workmen are entitled to?”

2. Gopal Singh and his associates were directed by the appropriate Government to file a claim statement with relevant documents before this Tribunal within 15 days of the receipt of order of reference. Despite directions so given. No claim statement was filed.

3. Notice of the reference was sent to the workmen. Gopal Singh appeared in person on 29th of May, 2009 and sought time file claim statement. Matter was adjourned for 19-6-09 to file a claim statement. On 19-6-09 none appeared on behalf of the workmen. No claim statement was filed in the matter. Since the terms of reference as regarding legality and justifiability of the action of the management, the management was called upon to present its stand before the Tribunal. Matter was adjourned for 26th of June, 2009.

4. Workmen abandoned the proceedings after 29th of May, 2009. Though the case was adjourned four times thereafter but none appeared on behalf of the workmen.

The management filed its stand in response to the terms of reference, detailing therein that subscription of the union was deducted from monthly salaries, in pursuance of Memorandum of Settlement signed between the management and the solitary Union in 1973. On 20th of November, 2007, a letter addressed to Deputy General Manager (Finance), Finance Division, State Trading Corporation of India Limited was received, wherein it was detailed that in General Body Meeting of State Trading Corporation Employees Union held on 20-11-07, it was decided that monthly membership contribution of the union may be deducted from salary of the member employees @ Rs. 30 PM. In pursuance of the communication, the management deducted monthly membership contribution from the salaries of the member employees. The management projects that its action in that regard is in consonance with the Memorandum of Settlement signed on 17-5-73. No illegality was committed in that regard. To substantiate its stand, copy of letter written by A.K. Rajora. General Secretary, the State Trading Corporation of India Employees Union and extract of copy of Memorandum of Settlement dated 17-5-73 are annexed.

5. Out of facts projected by the management, it came to light that it had acted in pursuance of Memorandum of Settlement dated 17-5-73 and request made by General Secretary, the State Trading Corporation of India Employees Union, on 20-11-07. Under these circumstances one cannot attribute illegality or unjustifiability to the action of the management in that regard. For want of claim statement/contest from the side of the workmen, stand projected by the management is found to be justified and legal. An award is accordingly passed. It be sent to the appropriate Government for publication.

DR. R. K. YADAV, Presiding Officer

Dated: 20-7-09

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2223.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.सी.आई. सी. आई. बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 57/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2223.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 57/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of ICICI Bank Ltd. and their workmen, which was received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT
AT HYDERABAD

PRESENT : Shri Ved Prakash Gaur, Presiding Officer

Dated the 16th day of February, 2009

Industrial Dispute L.C. No. 57/2004

BETWEEN

Sri Bhupatiraju Ravindra Raju,
 S/o Sri B. Bangar Raju,
 D.No. 3-283/1, Adarsanagar,
 Visakhapatnam—40

.....Petitioner

AND

1. The Chairman and Managing Director,
 ICICI Bank Ltd., ICICI Towers, South Tower,
 4th floor, Bandra Kurla Complex, Bandra(E),
 Mumbai-400051.
2. The Regional Manager,
 ICICI Bank Ltd., Nevella House, No. 4,
 Nagarajuna Hills, Panjagutta,
 Hyderabad-500482.
3. The Branch Manager,
 ICICI Bank Ltd., D.No. 47-14-18,
 Isnar Satyasri Complex, Main Road,
 Dwarakanagar, Visakhapatnam—530016. Respondent

APPEARANCES

For the Petitioner : M/s. Ch. Venkateswara Rao and
 Ch. V.S.N. Murthy, Advocates

For the Respondent : M/s. M.N. Aditya,
 D. Jagannadha Murty and K.
 Someswara Rao, Advocates

AWARD

This is a case taken under Sec. 2 A (2) of the I. D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition stating that he was appointed as casual clerk in full time in the office of Respondent No. 2, for a total period of 631 days during the period from 17-5-2000 to 13-2-2002. It is submitted that he has informed the management bank on 13-2-2002 orally that he was resigning to his job. Though he requested later to allow him to continue he was not allowed to enter his duties. He requested to direct the management to reinstate him with back wages and all attendant benefits.

3. Respondents filed counter denying averments made by the Petitioner. It is submitted that the Petitioner was never engaged by the Bank. That there is no employer and employee relationship between the Respondents and the Petitioner. It is submitted that on behalf of the contractor i.e., M/s Kleen House Keeping and Landscaping at Vishakhapatnam on whose behalf the Petitioner used to visit the branches of the Respondents as a representative of the Contractor. Hence, it is prayed to dismiss the petition.

4. Parties were directed to adduce their respective evidences. Petitioner filed his evidence affidavit and case is fixed for his cross examination and marking of documents on 16-2-2009. For several dates and also on 16-2-2009 Petitioner called absent. Petitioner's witness not present for cross as such, evidence is closed. Similarly, evidence of Respondent is also closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 16th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

WW1: Sri B. Ravindra Raju NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2224.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री रामा ग्रामीण बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 48/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी.-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2224.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 48/2004) of the Central Government Industrial Tribunal -Cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Sri Rama Gramina Bank and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT
AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 5th day of February, 2009

Industrial Dispute L.C. No. 48/2004

BETWEEN

Sri J. Krishna, S/o Manik Rao,
 R/o 3-11-40, Big Bazaar, Armoor,
 Nizamabad District.

.....Petitioner

AND

The Chairman,
Sri Rama Gramina Bank
H.O. Khaleelwadi,
Nizamabad—503003.

....Respondent

APPEARANCES

For the Petitioner : M/s.G. Vidya Sagar, K. Udaysri,
P. Sudheer Rao, B. Shiva Kumar,
T.Premchander Rao and D.
Madhusudhan, Advocates

For the Respondent : M/s. S.Udayachala Rao,
S.Vikramaditya Babu and S.Mujib
Kumar, Advocates

AWARD

This is a case taken under Sec. 2 A (2) of the I.D.Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U.Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner filed this petition against deletion of his name from the rolls by the Respondent. He has joined the Respondent organization as temporary part time sweeper by order dated 24-3-1990. It is submitted that he was issued with orders dated 7-5-1996 deleting his name from the rolls of the bank on the ground of unauthorized absence from duty as voluntary vacation of service which is illegal, arbitrary and against principles of natural justice. Hence, he prayed this court to direct the Respondent to reinstate the Petitioner into service with all other attendant benefits.

3. A counter was filed by the Respondents denying all the allegations made by the Petitioner therein. It is submitted that in response to his application dated 9-3-1987 he was informed that subject terms and conditions mentioned he would be empanelled for appointment as temporary part time sweeper on daily wage basis. It is submitted that as per the appointment order he was terminated for his unauthorized absence and on his failure to repeated public notices to report for duty. Hence, it is prayed that the petition be dismissed.

4. Parties were asked to adduce their respective evidences. Petitioner filed his chief examination affidavit reiterating the averments mentioned in his petition. He marked Ex. W1 to W13 documents and marked Ex. M1 to M17 in his cross examination. Respondent also filed their chief examination affidavit of Sri. D. Rama Mohana Rao, Senior Manager, Head Office, Nizamabad.

5. When the case is called for MW 1's cross examination it was informed to this court that Respondent bank got merged into Deccan Gramina Bank. Petitioner's counsel requested to allow him to file amendment petition.

6. On 5-2-2009, Petitioner called absent while Respondent's counsel present. The case is fixed for filing of amendment application and production of evidence Respondent's counsel submitted that Sri Rama Gramina Bank is not in existence as it has been amalgamated in Deccan Gramina Bank which is not party, as such, case can

not proceed. Since Petitioner is absent and he has not moved amendment application after seeking so many adjournments, as such, this case is closed for want of proper party. Hence, Nil Award is passed.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri. Personal Assistant transcribed by her corrected and pronounced by me on this the 5th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix for evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri J. Krishna	MW1: Sri D. Rama Mohana Rao

Documents marked for the Petitioner

- Ex. W1: Copy of appointment lr. dt. 9-3-87
- Ex. W2: Copy of regularization lr. dt. 24-3-90
- Ex. W3: Confirmation order dt. 2-3-91
- Ex. W4: Medical prescription dt. 27-1-95
- Ex. W5: Another medical prescription dt.27-1-95
- Ex. W6: Copy of medical certificate dt. 1-2-95
- Ex. W7: Lr. reg. Sanction of sick leave dt. 13-4-95
- Ex. W8: Copy of joining report for duty dt. 5-2-99
- Ex. W9: Copy of another joining report dt. 5-2-99
- Ex. W10: Lr. of voluntary vacation of service dt. 10-6-99
- Ex. W11: Copy of representation of WW1 dt. 11-9-2000
- Ex. W12: Copy of another representation WW1 dt. 11-10-2000
- Ex. W13: Copy of another representation of WW1 dt. 20-9-2003

Documents marked for the Respondent

- Ex.M1: Lr. dt. 3-9-1994 served on Petitioner to report for duty immediately
- Ex. M2: Copy of lr. dt. 24-10-1994 served on Petitioner to report for duty not later than 31-10-94
- Ex. M3: Copy of lr. dt. 17-5-95 served on Petitioner to report for duty on or before 27-5-95
- Ex. M4: Postal cover returned from Petitioner's address, as given by him in the office.
- Ex. M5: Leave letter of Petitioner dt. 27-5-95
- Ex. M6: Reply to Ex. M5 dt. 4-7-95
- Ex. M7: Representation for leave by Petitioner dt. 21-7-95
- Ex. M8: Medical certificate from Dr. R. Venkateshwar Rao
- Ex. M9: Copy of lr. dt. 28-8-95 served on Petitioner to report for duty on or before 31-8-95
- Ex. M10: Registered letter to Petitioner returned to Respondent unserved
- Ex. M11: Publication made by the Respondent for Petitioner in paper 'Poddu'

- Ex. M12: Lr. dt. 3-11-95 reg. Voluntary vacation of
Petitioner
- Ex. M13: Copy of Lr. to Petitioner for payment of dues to
Respondent dt. 7-5-96
- Ex. M14: Petitioner's representation dt. 29-12-98
- Ex. M15: Postal cover
- Ex. M16: Lr. dt. 10-6-99 to Petitioner for repayment of
loans
- Ex. M17: Lr. dt. 28-9-2000 to Petitioner for repayment of
loans

नई दिल्ली, 22 जुलाई, 2009

का. आ. 2225.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 196/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आईआर(बी.-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S. O. 2225.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.196/2004) of the Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 3rd day of February, 2009

Industrial Dispute L.C. No.196/2004

BETWEEN

Sri A. Venkata Swamy,
S/o A. Siddaiah,
R/o Kothapeta Veedi,
Vayalpadu (Valmikipuram) Mandal,
Near Seetharam Talkies,
Chittoor District.

.....Petitioner

AND

The Asst. General Manager,
State Bank of India,
Zonal Office, Renigunta Road,
Tirupathi Chittoor District.

....Respondent

APPEARANCES

For the Petitioner : M/s C. Vijaya Shekar Reddy and
S. Vijay Venkatesh, Advocates
For the Respondent : Smt. B. Lalitha Kumari, Advocate

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri. U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 22-10-90 in SBI Madanapalle Branch of the respondent bank. He worked in different spells from 22-10-90 to 18-12-90 for 57 days and from 26-8-94 to 20-10-95 for a period of 200 days. He was empanelled for regularization in the year 1992 and was absorbed as messenger in 1992. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 3-2-2009 none responded from the side of the petitioner while Respondent's counsel is present. The case is fixed for Petitioner's evidence who is absent as such, the case is dismissed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 3rd day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2226.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 190/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई. आर. (बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2226.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 190/2004) of Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-07-2009.

[No. L-12014/1/2009-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 5th day of February, 2009

Industrial Dispute L. C. No. 190/2004

BETWEEN

Sri S. A. Goverdhan,
S/o S. M. Anjaiah,
R/o 6-3-341/1, Balapura Basthi,
Near Erramanzil Colony,
Hyderabad -82.

... Petitioner

AND

The Asst. General Manager,
State Bank of India,
Personnel & HRD, Local Head Office,
Bank Street, Koti,
Hyderabad.

... Respondent

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar Reddy and
S. Vijay Venkatesh, Advocates

For the Respondent : M/s. B.G. Ravindra Reddy and
B.V. Chandra Sekhar, Advocates

AWARD

This case was taken in view of the judgment of the Hon 'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989

dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 1-7-89 in SBI Yellareddyguda Branch of the respondent bank. He worked in different spells from 1-7-1989 to 31-5-95 in total 604 days. He was empanelled for regularization in the year 1992 and was absorbed as messenger in 1992. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. Petitioner workman filed his affidavit on 24-1-2005 and marked xerox copies of documents Ex.W1 to W10 which are as follows: Ex.W1 is paper notification, Service certificates are Ex.W2, W5, W6 and W7. Ex.W3 is the interview call letter. Ex.W4 is panel list. Ex.W8 is marks memo of X class. Ex.W9 is caste certificate and Ex.W10 is transfer certificate. Thereafter, the petitioner did not appear before this court for cross examination. Hence, petitioner's evidence is closed.

5. On 5-2-2009 none responded from the side of the petitioner while Respondent's counsel is present. Petitioner is not attending to the case for about more than three years, as such, Petitioner's evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 5th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

Witnesses examined for the
Respondent

WW1: Sri S. A. Goverdhan

MW1: Nil

Documents marked for the Petitioner

- Ex. W1 : Copy of paper notification
 Ex. W2 : Copy of service certificate for 47 days before interview.
 Ex. W3 : Copy of interview call letter.
 Ex. W4 : Copy of Panel list
 Ex. W5 : Copy of service certificate for the period from 22-2-93 to 2-10-93 for 200 days
 Ex. W6 : Copy of service certificate for the period from 26-4-94 to 19-11-94 for 198 days
 Ex. W7 : Copy of service certificate for the period from 6-12-94 to 31-5-95 for 159 days
 Ex. W8 : Copy of Marks memo of X class
 Ex. W9 : Copy of caste certificate
 Ex. W10 : Copy of transfer certificate

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2227-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 18/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई. आर. (बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2227.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/2005) of Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-07-2009.

[No. L-12014/1/2009-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of February, 2009

Industrial Dispute L.C. No.18/2005

BETWEEN

Sri C. Subbarayudu,
 S/o C. Laxmaiah,
 D. No. 1/125, Ramarajupalli (Vill. & PO)
 Cuddapah - 516001.

...Petitioner

AND

The Chief General Manager (Personal),
 State Bank of India,
 Local Head Office,
 Bank Street, Koti,
 Hyderabad.

...Respondent

APPEARANCES

For the Petitioner : M/s S. Prasada Rao,
 C.V. Vysampayan &
 C. Bala Subramanyam,
 Advocates

For the Respondent : M/s. B. G. Ravindra Reddy &
 B.V. Chandra Sekhar, Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger in August, 1991 in Respondent organization at Cuddapah. He worked upto 31st March, 1997. He was empanelled in the year 1994. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support of their respective contentions. Petitioner filed his chief examination affidavit on 25-9-2006. He filed additional chief examination affidavit and marked EX.W1 to W12 documents. Later he did not turn up for cross examination.

5. On 17-2-2009 petitioner called absent though 10 days time was given for cross examination of WW1. Both parties are not present today, as such, evidence is closed in absence of parties. Hence, Nil Award is passed in absence of evidence. Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 17th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

WW1: Sri C. Subbarayudu Nil

Documents marked for the Petitioner

- Ex. W1 : Copy of representation of WW1 dt. 3-7-2002
 Ex. W2 : Copy of discharge summary of Sri Satya Sai Institute of High Medical Sciences
 Ex. W3 : Copy of out patient report
 Ex. W4 : Copy of notice of recruitment Roll No. 1649 dt. 13-10-95
 Ex. W5 : Copy of absorption notice dt. 19-7-89
 Ex. W6 : Copy of lr. WW1 Dt. 8-6-96
 Ex. W7 : Copy of letter of selection dt. 15-11-95
 Ex. W8 : Copy of service certificate dt. 25-7-89
 Ex. W9 : Copy of service certificate dt. 6-8-86
 Ex. W10 : Copy of caste certificate
 Ex. W11 : Copy of Transfer certificate bearing No. 9917
 Ex. W12 : Copy of marks certificate

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2228.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 42/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई. आर.-(बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2228.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 42/2005) of Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-07-2009.

[No. L-12014/1/2009-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri VED PRAKASH GAUR, Presiding Officer

Dated the 20th day of February, 2009

Industrial Dispute L.C. No. 42/2005

BETWEEN

Sri Karlapudi Swathantra Rao,
 S/o K. Nageshwara Rao,
 R/o H. No. 16-6-38, Chrianpeta,
 Old Guntur, Guntur - 522 004. ...Petitioner

AND

The Asst. General Manager,
 State Bank of India, Zonal Office
 Personnel & HRD,
 Vijayawada. ...Respondent

APPEARANCES

For the Petitioner : M/s C. Vijaya Shekar Reddy &
 S. Vijay Venkatesh, Advocates

For the Respondent : M/s. B.G. Ravindra Reddy &
 B.V. Chandra Sekhar, Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Messenger on 1-1-80 in SBI Guntur Main Branch of the respondent bank. He worked in different spells from 1-1-80 to 31-12-84 for a period of 77 days. He was empanelled in the year 1989 and was absorbed by the Respondent in the year 1989. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 20-2-2009 both parties absent. In absence of parties their evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 20th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2229.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 21/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2229.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2005) of Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-07-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri VED PRAKASH GAUR, Presiding Officer

Dated the 3rd day of February, 2009

Industrial Dispute L.C. No. 21/2005

BETWEEN

Sri J. Mohan,
S/o J. Kanakaiah,
R/o 15-2-205/2, Rangampet Post,
Hanumakonda, Warangal-560 130.

...Petitioner

AND

The Asstt. General Manager,
State Bank of India,
Personnel & HRD, Local Head Office,
Bank Street, Koti, Hyderabad.

...Respondent

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar Reddy &
S. Vijay Venkatesh, Advocates

For the Respondent : M/s. B.G. Ravindra Reddy & B.V.
Chandra Sekhar, Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Non-Messenger on 17-5-88 in SBI Waddepalli Branch, Warangal District. He worked in different spells from 17-5-88 to 12-7-88 for a period of 56 days and from 30-1-89 to 24-4-89 for a period of 85 days. He was empanelled in the year 1991 and absorbed by the Respondent as messenger. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 3-2-2009 none responded from the side of the petitioner while Respondent's counsel is present. The case is fixed for Petitioner's evidence who is absent as such, the case is dismissed in absence of workman.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 3rd day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner
NIL

Witnesses examined for the Respondent
NIL

Documents marked for the Petitioner
NIL

Documents marked for the Respondent
NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2230.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 43/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई आर (बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2230.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2005) of Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 22-07-2009.

[No. L-12014/1/2009-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present : Shri VED PRAKASH GAUR, Presiding Officer

Dated the 20th day of February, 2009

Industrial Dispute L.C. No. 43/2005

BETWEEN

Sri R. Durga Road,
S/o R. Pullaiah,
R/o 16-11-33, Park Road,
(4th Ward Road),
C/o Police Guruvai House,
Old Guntur, Guntur-522 004

...Petitioner

AND

The Asstt. General Manager,
State Bank of India,
Personnel & HRD, Zonal Office,
Vijayawada.

...Respondent

APPEARANCES

For the Petitioner : M/s. C. Vijaya Shekar Reddy,
Advocates

For the Respondent : M/s. B.G. Ravindra Reddy & B.V.
Chandra Sekhar, Advocates

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as Non Messenger on 24-4-80 in SBI Mangalagiri Branch of the respondent bank. He worked in different spells from 24-4-80 to 21-7-80 for a period of 74 days. He was empanelled in the year 1989 and was absorbed by the Respondent in the year 1989. He was terminated orally on 31-3-1997. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondents filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner was never appointed as messenger/sweeper-cum-water boy/watchman by the respondent and never terminated from service on 31-3-1997. It is further submitted that under exigencies and in leave vacancies bank used to take temporary sub-staff and further explained the stipulated rules, agreements and settlements under which the temporary employees were categorized. According to categories, panels were prepared. It is submitted that the petitioner has not worked for the number of days as shown by him in his claim statement. As such this petition is liable to be dismissed.

4. Parties were directed to produce evidence in support their respective contentions. On 20-2-2009 both parties absent, as such, evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 20th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner
NIL

Witnesses examined for the Respondent
NIL

Documents marked for the Petitioner
NIL

Documents marked for the Respondent
NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2231-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 51/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2231.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/2004) of Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of State Bank of Hyderabad and their workmen, received by the Central Government on 22-07-2009.

[No. L-12014/1/2009-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 22nd day of June, 2009

Industrial Dispute L.C. No. 51/2004

BETWEEN

Sri K. Ramakrishna,
S/o Late Manik Rao,
R/o 1-25, R.C. Puram Village,
Patancheru, Medak District.

... Petitioner

AND

1. The General Manager,
State Bank of Hyderabad,
Gunfoundry, Abids, Hyderabad.

2. The Branch Manager,
State Bank of Hyderabad,
ICRISAT Branch, Patancheru,
Medak District.

... Respondents

APPEARANCES

For the Petitioner : M/s. G. Viday Sagar,
K. Udayasri, P. Sudheer Rao,
B. Shiva Kumar, T. Premchander
Rao & D. Madhusudhan,
Advocates

For the Respondent : Sri P.A.V. Balaprasad,
Advocate

AWARD

Sri K. Ramakrishna has filed this petition under Sec.2 A (2) of the I. D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Petitioner is challenging his termination order dated 31-8-2003. It has been alleged that the Petitioner joined the services of the Respondent bank as Messenger on 31-3-98. Since then, he has been discharging his duties to the entire satisfaction of his superiors. After completion of one year the Petitioner made a representation to the Respondent bank to regularize his services but no action was taken. The Petitioner made several representations for the regularization of his services but his services were not regularized on the other hand, he was terminated from the services from 31-8-2003 without assigning any reason and without following the rules and regulations prescribed under Industrial Disputes Act, 1947. No notice was issued to the Petitioner, nor compensation under Sec.25F of Industrial Disputes Act, 1947 has been given to the Petitioner. The order of termination is illegal, arbitrary and unjust. It has been alleged that juniors to the Petitioner has been retained by the Management bank. The Petitioner being senior to many of the temporary employees was disengaged. Thus, the principles of service law has been violated by the management bank. The management bank has not followed the principle of last come first go. The bank is making appointments to the candidates of his choice violating all the norms of the principles of natural justice. The order of the termination of the service dated 31-8-2003 is illegal, arbitrary, unjust and against the principles of natural justice and liable to be set aside and Petitioner is liable to be reinstated Industrial Tribunal he services of the bank.

3. The Respondent filed their counter and have stated that the Petitioner was engaged as casual labour for attending petty work like cleaning bank premises etc., as and when the necessity arose. The Petitioner was not engaged in any permanent regular vacancy nor he was appointed in any permanent regular vacancy. As such, no question of retrenchment arises in this case. The Respondent bank in the last week of July, 2003 after ascertaining the prevailing position of the branch discontinued the utilization of the services of several persons of the branch. The branch is posted with six permanent subordinate staff, there is no much work to engage casual labourers, the Petitioner's services were disengaged for want of work. Since Petitioner's services were utilized on the casual basis he has not acquired any substantive right to the post and in terms of appointment his services were liable to be discontinued at any time without any notice. No illegality has been committed, no provision of the Industrial Disputes Act, 1947 has been violated by the Respondents.

4. Parties were directed to produce their respective evidences. Petitioner has filed documents Ex.W1 to W8 containing the service certificate, his representation, identity card and acknowledgements. As oral evidence he has filed his affidavit and produced himself for the cross examination. The Respondent bank has produced the affidavit of Sri P.V.S. Sasidhar, Deputy Manager and produced him for cross examination.

5. I have heard Learned Counsel for both the parties and perused the documentary and oral evidence of the parties. It is undisputed between the parties that the Petitioner of this case was engaged by the bank management on casual basis as and when the work was available with the bank. The Learned Counsel for the Petitioner has argued that the Petitioner has been working with the bank since the year 1998 and he has acquired the status of a temporary employee. Thus, in case of his termination of his services it was bounden duty of the Respondent bank to follow the principles of Sec. 25F of the Industrial Disputes Act, 1947. As against this argument of the Learned Counsel for the Petitioner the Respondent counsel has argued that the Petitioner has nowhere either in his claim petition or in his own oral evidence stated that he has worked for more than 240 days in the year preceding the date of his disengagement from the service as such, the Petitioner is not entitled for the benefit of Sec. 25F of the Industrial Disputes Act, 1947. Since it is the duty of the workman to prove before the Industrial Tribunal that he has worked for 240 days in the year preceding the date of disengagement from the service, he can not get the benefit of Sec. 25F of the Industrial Disputes Act, 1947. I am in full agreement with the contention of the Learned Counsel for the Respondent that it is duty of the workman to plead and prove before the Industrial Tribunal that he has worked for more than 240 days in the year preceding date of his disengagement to claim the benefit under Sec. 25F of the Industrial Disputes Act, 1947. In the light of this legal proposition I have gone through the claim petition and oral evidence of the Petitioner. The Petitioner has nowhere stated either in his claim petition or in his examination in chief that he has worked for more than 240 days in the year preceding date of his disengagement from the service. The Petitioner has admitted in his cross examination that he used to be paid whenever he worked in the bank. He was paid daily wages and payment was made weekly. This admission of the Petitioner prove that the Petitioner was not engaged on regular basis but his services were utilized as and when it was felt necessary by the Respondent bank. The Petitioner has not attended any interview this fact has been admitted by the Petitioner during his cross examination. He has further admitted that he was not appointed through employment exchange and no appointment letter was issued to him. No where in his examination in chief or cross examination he has stated that he worked for more than 240 days in the year preceding date of his disengagement. As such, I am of the view that the Petitioner was not entitled for the benefit of Sec. 25F of Industrial Disputes Act, 1947 his services were utilized when it was required by the bank and the payment was used to be made when he worked in the bank. It has been argued by the Learned Counsel for the Petitioner that juniors to the Petitioner has been retained by the bank whereas the

Petitioner was disengaged due to the arbitrariness of the Respondent bank. Against this argument of the Petitioner's counsel, Respondent's counsel has argued that Petitioner himself has admitted in his cross examination that only two people were working as temporary attendars, the Petitioner and another man. The other man is still working in the bank but used to work prior to the joining of the Petitioner. This amply proves that the allegation of the Petitioner that juniors to the Petitioner were retained in the bank and Petitioner's services were terminated arbitrarily is incorrect and against the factual position stated by the Petitioner himself. Thus Petitioner can not claim priority over his junior because no junior to the Petitioner has been allowed to work in the bank. So the Petitioner's claim of parity is hypothetical. I am in the full agreement with the Learned Counsel for the Respondent that Petitioner himself has admitted during his cross examination that only two temporary attendars were working in the bank out of which one is the Petitioner who is junior to the other person who is working in the bank. Thus, the Petitioner claimed that junior to him has been retained by the bank is unfounded, baseless and hypothetical. No other ground has been pleaded or put forward by the counsel for the Petitioner. Thus, from the above discussion I have come to the conclusion that the Petitioner's services were utilized by the bank when there was necessity of an extra hand, the Petitioner was never engaged as a regular employee. He used to be paid his wages when he worked with the bank. He has not been able to prove that he worked for more than 240 days in the year preceding date of his disengagement, as such, the provision of Sec. 25F is not applicable in the present case and the Petitioner is not entitled to claim the benefits under Sec.25F of the Industrial Disputes Act, 1947. This claim petition is baseless, misconceived and based on hypothetical grounds. The services of the Petitioner were disengaged for want of the sufficient work and no illegality or irregularity has been committed by the Respondent bank and the Petitioner is not entitled for relief. The Petition deserves to be dismissed and accordingly it is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 22nd day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW I : Sri K. Ramakrishna	MW1 : Sri P. V. Sasidhar
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Documents marked for the Petitioner

Ex. W1	: Copy of service certificate
Ex. W2	: Copy of representation dt. 21-2-2004
Ex. W3	: Copy of Acknowledgement
Ex. W4	: Copy of Acknowledgement
Ex. W5	: Copy of Transfer certificate
Ex. W6	: Copy of employment exchange card
Ex. W7	: Copy of conduct certificate
Ex. W8	: Identity card

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जुलाई, 2009

का.आ. 2232.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ सेन्ट्रल रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 115/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2009 को प्राप्त हुआ था।

[सं. एल-12014/1/2009-आई.आर.(बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd July, 2009

S.O. 2232—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 115/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of South Central Railway and their workmen, received by the Central Government on 22-7-2009.

[No. L-12014/1/2009-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present: Shri Ved Prakash Gaur, Presiding Officer

Dated the 23rd day of June, 2009

Industrial Dispute L.C. No. 115/2005

BETWEEN

Sri A. Nageswara Roa,
S/o Veeraswamy,
Railway quarter No. 801,
North Lalagudga,
Secunderabad

....Petitioner

AND

The Divisional Railway Manager,
South Central Railway,
Sanchalan Bhavan,
Secunderabad Division
Secunderabad

....Respondent

APPEARANCES

For the Petitioner : M/s. G. S. Rao, G. Pavanamurthy &
G. Arunashree, Advocates.

For the Respondent : Sri A. Prithvi Raj, Advocate.

AWARD

Sri A. Nageswara Roa has filed this petition under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. It has been alleged that the Petitioner was screened and empanelled and engaged as substitute Khalasi against the regular vacancy of Group 'D' vide DPO/BG/SC Lr. No. CP/ 407/C&W/Sub/83 of 8-2-1983 and posted as C&W Khalasi in Mechanical Department of South Central Railway of Secunderabad along with other candidates. Petitioner joined his duty and worked from 28-2-1983 to 7-6-84 continuously on regular basis under Chief Railway Examiner of South Central Railway, Nampally. The Petitioner fell sick from 26-11-84 to 6-7-89 and 7-7-89 to 6-10-2004. He was sick under depression and continued in sick list to the said period for which medical certificate has been submitted to the competent authorities, hence, he was unable to perform his duty. The Respondents were well aware that Petitioner was under sick list and he was under treatment, his name was struck off from the rolls of substitute Khalasis w.e.f. 26-11-84. In spite of repeated representations to the concerned authorities to put back the Petitioner on duty no action has been taken by the Respondent management. The Respondent has failed to observe the rules. Neither any show cause notice was given to the Petitioner nor any enquiry was conducted in the matter. The removal order was by way of striking the name of the Petitioner from the rolls of the substitute Khalasis which is highly irregular, arbitrary, discriminatory and violative of the rules of the natural justice. It has further been alleged that the Petitioner has no source of income, had no movable or immovable property to support his family. He is a member of the backward class facing financial hardship to maintain his family. He produced medical certificate before the authority but no action has been taken by the authorities. It has been alleged by the Petitioner that Hon'ble Supreme Court of India in case of Bhagwan Lal Arya, Visakhapatnam. Commissioner of Police, Delhi and others reported in ATJ 2004 (3) SC P 555 (DB) has held that absence from duty on the medical grounds is not a grave misconduct. He has further relied on the case law reported in SLJ 1999(3) SC P-219 in the matter of Ajai Singh Vs. The Sirhind Co-operative Marketing-cum-Processing Service Society Ltd., and another, where it was held that limitation act is not applicable to the references under I.D. Act and no relief can be denied merely on the ground of laches and delay. The Petitioner has prayed that his termination be held to be illegal and he be reinstated with full back wages:

3. The Respondent has filed their written reply and they have stated that Petitioner has originally filed a OA

No. 622/2005 before Hon'ble Central Administrative Tribunal, Hyderabad for the relief claimed in this petition and the tribunal has dismissed OA by their detailed order dated 19-8-2005, a copy of which is annexed an enclosure R. 1. They have further raised objection that the present petition is not maintainable and is liable to be dismissed on the principles of *res judicata*. The Respondent has further alleged that if the Petitioner is aggrieved with the order dated 19-8-2005 he should have approached Hon'ble High Court of A.P., Hyderabad by filing a writ petition against the order of the Hon'ble Central Administrative Tribunal. It has further been alleged by the Respondent that the cause of action arose in the year 1984 and present petition is filed in the year 2005 after a delay of 21 years and hence this petition is liable to be dismissed on the ground of delay and laches. It has further been alleged by the Respondent that the record of the Petitioner has already been destroyed because as per the rules the record could have been preserved for more than 10 years.

4. Parties have been directed to produce their evidence. Petitioner has filed documents Exs. W1 to W20 whereas the Respondent has filed copy of the judgment of Hon'ble Central Administrative Tribunal passed in OA No. 622/2005 between A. Nageswara Rao Vs. Union of India and others.

5. Petitioner has filed his affidavit as his examination-in-chief and has presented himself for the cross examination, having cross examined by the Respondent at length. The Respondent has produced Sri. B. H. Reddy and has presented him for the cross examination.

6. I have heard Learned Counsels for the parties and has gone through the oral and documentary evidence produced by the parties before this tribunal. It is admitted fact between the parties that the Petitioner was engaged as a substitute khalasi who worked from 28-2-83 to 7-6-84. Thereafter the Petitioner did not attend to his duties and his name was struck off from the rolls of Substitute Khalasis on 26-11-84. It is also admitted between the parties that Petitioner challenged his termination order before Hon'ble Central Administrative Tribunal vide OA No. 622/2005 which was dismissed by the Hon'ble Central Administrative Tribunal vide its order dated 19-8-2005. Thereafter the Petitioner has filed this petition before this tribunal.

7. It has been argued by the Learned Counsel for the Respondent that this present petition is not maintainable because the Petitioner filed OA challenging the termination order before Hon'ble Central Administrative Tribunal which was contested by the Respondent before the Hon'ble Central Administrative Tribunal and upholding the objections raised by the Respondent, Learned Central Administrative Tribunal has dismissed Petitioner's O.A. vide its order dated 19-8-2005. The Petitioner has admitted this fact during his cross

examination. The cause of action for which the Petitioner has filed this ID before this tribunal has already been challenged before the Hon'ble Central Administrative Tribunal and Learned Tribunal has already dismissed the Petitioner's petition or O.A., as such, the present petition is not maintainable. Learned Counsel for the Petitioner has not been able to show before this Court that the present petition is maintainable before this tribunal though the Hon'ble Central Administrative Tribunal has already dismissed the petition of the petitioner in the year 2005, as such, this tribunal is of the opinion that the present industrial dispute or reference is not maintainable in view of the judgment of Hon'ble Central Administrative Tribunal dated 19-8-2005 and more over the Petitioner has not taken any step to challenge his dismissal order dated 26-11-94 for 21 years and no action was taken by him.

8. So far as the merit of the case is concerned the Petitioner has not been able to prove before this tribunal nor he has raised any such objection regarding non observance of the provisions of Sec. 25F of the Industrial Disputes Act, 1947 or violation of any other rule before this tribunal nor the Petitioner has pleaded any violation in his claim petition or oral evidence or that the Petitioner has worked for more than 240 days as Substitute Khalasi in the year preceding the date of his disengagement from the post of Substitute Khalasi. Since it is duty of the Petitioner workman to prove that he has worked for more than 240 days in the year preceding date of termination of his services the Petitioner or workman cannot claim the benefit under Sec. 25 F of the Industrial Disputes Act, 1947. In the present case, the Petitioner has nowhere stated that he worked for 240 days preceding the date of his disengagement from the service as such, he was not entitled for the benefits of Sec. 25F of the Industrial Disputes Act, 1947. As regards the alleged sickness of the Petitioner, the Petitioner alleges that he fell sick on 26-11-84 to 6-7-89 and 7-7-89 to 6-10-2004 but he has not explained his absence from the duty from 8-6-84 to 25-11-84. His name was struck from the rolls of Substitute Khalasis on 26-11-1984 because he remained absent from the duty without any information or sanctioned leave from 8-6-84 to 25-11-84. As such, the contention of the Petitioner that he was sick during the period of his absence from the duty neither appears to be true nor it has been explained by the Petitioner or proved by the Petitioner. Since the services of the Petitioner were engaged on the substitute basis and he remained absent for more than five months without any information, the Respondent management has not committed any illegality in striking down his name from the rolls of Substitute Khalasis as he abandoned the job. It was duty of the Petitioner to explain his absence w.e.f. 8-6-84 to 25-11-84 which has not been explained by the Petitioner. No medical certificate has been produced by the Petitioner for he is absent during this period, as such, the contention of the Petitioner that he was medically unfit

or he was sick during the period of his absence does not find support from the oral or documentary evidence of the Petitioner. As such, the Petitioner's disengagement due to his absence or abandonment of the duties is neither illegal nor unjustified. The Petitioner is not entitled for any relief and petition deserves to be dismissed. As such, petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 23rd day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1: Sri A. Nageswara Rao

Witnesses examined for the Respondent

MW1: Sri B. H. Reddy

Documents marked for the Petitioner

Ex. W1: Copy of Ir. No. CP/407/C&W/Sub/83 of DPO/BG/SC dt. 8-2-83

Ex. W2: Copy of service certificate dt. 26-2-86

Ex. W3: Copy of medical certificate dt. 30-5-88

Ex. W4: Copy of medical certificate dt. 6-7-89

Ex. W5: Copy of Ir. to DRM/SC dt. 6-7-89

Ex. W6: Copy of medical certificate dt. 29-9-05

Ex. W7: Copy of Ir. to DME/C&W/SC dt. 8-6-90

Ex. W8: Copy of Ir. to DRM/SC dt. 25-8-89

Ex. W9: Copy of Ir. to DRM/SC dt. 10-3-90

Ex. W10: Copy of Ir. No. SCRMD/C&W dt. 17-7-90

Ex. W11: Copy of Ir. to DME/C&W/SC dt. 26-6-91

Ex. W12: Copy of Ir. to CPO/SC dt. 2-3-92

Ex. W13: Copy of Ir. to CPO/SC dt. 13-10-92

Ex. W14: Copy of Ir. to CPO/SC dt. 24-2-2003

Ex. W15: Copy of Ir. to GM/SC dt. 7-10-94

Ex. W16: Copy of MP Ir. to GM/SC dt. 27-3-2005

Ex. W17: Copy of S.S.C dt. 2-5-97

Ex. W18: Copy of Ir. to MRO/Dornakal dt. 31-1-1997

Ex. W19: Copy of intermediate marks memo

Ex. W20: Copy of Ir. No. DIS. No. C/1215/2000 of MRO/Dornakal

Documents marked for the Respondent

Ex.M1: Copy of order passed by Hon'ble Central Administrative Tribunal, Hyderabad dt. 19-8-2005

नई दिल्ली, 24 जुलाई, 2009

का.आ. 2233—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एच पी सी एल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 51/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2009 को प्राप्त हुआ था।

[सं. एल-30025/4/2009-आई.आर.(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 24th July, 2009

S.O. 2233—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.51/2005) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. HPCL and their workman, which was received by the Central Government on 23-7-2009.

[No. L-30025/4/2009-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: Shri Ved Prakash Gaur, Presiding Officer

Dated the 30th day of June, 2009

Industrial Dispute L. C. No. 51/2005

[Old I. D. No. 113/2002, transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam]

BETWEEN

Sri G. Satyanarayana,
S/o Late Surya Roa,
R/o Kanithi R. H. Colony,
Vadlapudi Kurmannapalem,
Opp. Rythu Bazar,
Visakhapatnam - 530 046Petitioner

AND

1. The Senior Regional Manager (Gas-Sales),
M/s. Hindustan Petroleum Company Limited,
Filling Plant, Malkapuram,
Visakhapatnam - 530 011

2. The Manager (Mr. M.A. Gafar)
M/s. Sree Vijaya Durga Gas Agency
(H.P. Gas Dealers), Autonagar
Visakhapatnam - 530 012

....Respondents

APPEARANCES

For the Petitioner : Sri K. Balakrishna, Advocate
For the Respondent : M/s. K. Srinivasa Murthy,
V.Umadevi & M.V.L.Narasiah,
Advocates for Respondent
No.1, Sri Y. Venkata Rao,
Advocate for Respondent
No.2

AWARD

Sri G. Satyanarayana has filed this petition under Sec. 2 A (2) of the I.D. Act, 1947 before the Industrial Tribunal cum Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others challenging the order of termination of his services dated 1-12-2001 as illegal, arbitrary and violative of principles of natural justice which was transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR (C-II) dated 18-10-2001 bearing I.D. No.113/2002 and renumbered in this Court as L.C.I.D. No. 51/2005.

2. It has been alleged by the Petitioner in his claim petition that his employer is a principal employer whereas 2nd Respondent is an agent/dealer of the 1st Respondent. The Petitioner was appointed as gas mechanic by the 2nd Respondent on 24-5-96 before that he was given training by the 1st Respondent. A certificate to that effect has been issued by the 1st Respondent and given to 2nd Respondent. On 1-12-2001 2nd Respondent verbally informed the Petitioner that his services are terminated from that day. No notice or salary in lieu of notice was given to the Petitioner. No compensation was paid nor any departmental enquiry was held nor any reason for his termination was disclosed by the Respondent. He has further stated that the 2nd Respondent initially used to pay him Rs.750 as wages but he has prepared vouchers for Rs.1850. At the time of termination of services Petitioner used to get Rs.1250 whereas on the vouchers Rs.2400 used to be written by the Respondent. The Respondent has fabricated a receipt of Rs.12000 claiming to have made payment to the Petitioner and coerced the Petitioner to withdraw the petition. 2nd Respondent has been defrauding the customers. The termination order is illegal without any basis and fit to be quashed.

3. Respondent has filed counter statement and has alleged that the 1st Respondent is a Government of India enterprise and a company registered under the Indian

Companies Act. It has appointed dealers all over India including the 2nd Respondent for the purpose of marking. The dealerships are given on the basis of the selections made by dealer selection board. The 2nd Respondent was also appointed and he is also Governed by the terms and conditions of the dealership agreement. As per agreement the 2nd Respondent has to make his own arrangement for construction of godown for storing LPG cylinders and he has to employ workers as per his requirements. The Petitioner was not appointed by the Respondent. There is no relationship of master and servant between the Respondent and the Petitioner. The petition is misconceived, no relief to be granted to the Petitioner against the Respondent No.1.

4. 2nd Respondent also filed counter statement and has challenged the maintainability of the petition. It has also contended that 1st Respondent is a principal employer whereas 2nd Respondent is an agent of the 1st Respondent. 2nd Respondent has contended that Petitioner is not a mechanic and 2nd Respondent has not terminated his services. The Petitioner himself was irregular to his duties, he was absented himself habitually without leave and he was warned several times by the Respondent. Since he could not attend to his duties properly Respondent No.2 has lost confidence in him. The Petitioner has voluntarily left the job by taking full and final settlement of his services. Since no conciliation proceedings has been taken place in this case, as such this court can not directly entertain the petition directly. The Respondent No.2 establishment is registered under A.P. Shops & Establishments Act. The applicant was appointed as delivery boy and his services are Governed under Sec.47 and 48 of the A.P. Shops & Establishments Act. Petition is not maintainable and fit to be dismissed.

5. Parties were directed to file their respective evidences. Petitioner has filed photo copy of identity card Ex.W1 and he filed his affidavit as examination in chief. The Petitioner presented himself for cross examination. The Respondent management has filed as many as 31 documents Ex.M1 to M12 and M14 to M29 leave applications of the Petitioner. Ex.M13 resignation letter and full and final settlement letter. Ex.M30 is copy of the petition filed before the labour department by the Petitioner and Ex.M31 minutes of the meeting before the labour authority. The Respondent has not filed their affidavit nor have presented any witness for cross examination.

6. On the date of the argument, none of the parties appeared to argue the case as such, the argument was closed. I have gone through the claim petition, counter statement of R1 and R 2, documentary as well as oral documentary evidence of the Petitioner and Respondent management. It has been contended by the Petitioner in his claim petition that he was appointed on 24-5-96 by 2nd Respondent and his services were terminated by

2nd Respondent. This fact is not disputed by the 2nd Respondent. 2nd Respondent has filed counter statement wherein it is accepted that the Petitioner was appointed by the 2nd Respondent in his gas agency as a delivery boy since Petitioner was habitual absentee he voluntarily left the job after receiving full and final settlement on 1-12-2001. It has to be seen by this court whether the Petitioner's services were terminated by the 2nd Respondent or Petitioner himself has relinquished the job after receiving full and final settlement on 1-12-2001. The Respondent management has filed paper No.32 as Ex.M13 dated 9-12-2001 which is alleged to be agreement letter of G. Satyanarayana in favour of the Respondent management. He has accepted that on the letter 9-12-2001 his signature is there. However he has stated that it is not written in his hand writing. Ex.M13 is the agreement letter. The witness has accepted the signature on this letter also. In this letter the Petitioner has himself accepted that he has voluntarily and happily relinquishing the job and he is receiving Rs.12,000 as a compensation from the 2nd Respondent in lieu thereof and nothing is due to him from the company now onward. This shows that the Petitioner has himself relinquished his job and he has accepted Rs.12,000 as compensation in lieu of his dues for relinquishing the company's services. As such, the contention of the 2nd Respondent that Petitioner himself has left the job and he received Rs.12,000 as compensation in lieu of his dues is correct. Respondent has filed as many as 27 leave applications of the Petitioner filed before the 2nd Respondent for his absenteeism and he has accepted in his cross examination that all these leave applications Ex.M1 to M12, Ex.M14 to M29 bears his signature and they are his leave applications. This also proves that the Petitioner was a habitual absentee, he himself has relinquished the job, his services were not terminated by the 2nd Respondent. He has received the compensation of Rs. 12,000 from R2 and nothing is due to him. As such, this tribunal is of the opinion that though the Petitioner was appointed by the 2nd Respondent there was relationship of master and servant between 2nd Respondent and Petitioner but said relationship was broken by the Petitioner himself. He himself has relinquished his job after accepting Rs.12,000 in lieu of his dues on 9-12-2001 and thus the Respondent No.2 has not committed any breach of Sec.25F of the Industrial Disputes Act, 1947 and there is no illegality or irregularity or violation of principles of natural justice in disengagement of the Petitioner. The action of the management is fully justified and no interference is necessary in this case. Petition has no force and deserves to be dismissed. Accordingly, the petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 30th day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri G. Satyanarayana	NIL

Documents marked for the Petitioner

- Ex. W 1: Copy of identity card WW1
Ex.W2: Lr. No.C/478/2001 dt. 8-3-2002 by Labour Officer, Circle-II, Visakhapatnam.

Documents marked for the Respondent

- Ex. M1: Leave application of WW1 dt. 6-4-99
Ex. M2: Leave application of WW1 dt. 8-6-2000
Ex. M3: Leave application of WW1 dt. 15-6-2000
Ex. M4: Leave application of WW1 dt. 10-7-2000
Ex. M5: Leave application of WW1 dt. 19-7-2000
Ex. M6: Leave application of WW1 dt. 26-7-2000
Ex. M7: Leave application of WW1 dt. 2-8-2000
Ex. M8: Leave application of WW1 dt. 23-8-2000
Ex. M9: Leave application of WW1 dt. 6-10-2000
Ex. M10: Leave application of WW1 dt. 12-10-2000
Ex. M11: Leave application of WW1 dt. 17-10-2000
Ex. M12: Leave application of WW1 dt. 23-10-2000
Ex. M13: Agreement letter dt. 9-12-2001 by WW1
Ex. M14: Leave application of WW1 dt. 2-5-2000
Ex. M15: Leave application of WW1 dt. 22-5-2000
Ex. M16: Leave application of WW1 dt. 2-6-2000
Ex. M17: Leave application of WW1 dt. 9-10-2000
Ex. M18: Leave application of WW1 dt. 13-1-2001
Ex. M19: Leave application of WW1 dt. 24-1-2001
Ex. M20: Leave application of WW1 dt. 1-2-2001
Ex. M21: Leave application of WW1 dt. 12-3-2001
Ex. M22: Leave application of WW1 dt. 29-3-2001
Ex. M23: Leave application of WW1 dt. 16-4-2001
Ex. M24: Leave application of WW1 dt. 8-5-2001
Ex. M25: Leave application of WW1 dt. 19-5-2001
Ex. M26: Leave application of WW1 dt. 4-6-2001
Ex. M27: Leave application of WW1 dt. 11-6-2001
Ex. M28: Leave application of WW1 dt. 24-8-2001

Ex.M29: Leave application of WW1 dt. 20-10-2001

Ex.M30: Lr. By Labour Officer for conducting joint meeting dt.21-1-2002 with copy of representation of WW1

Ex.M31: Copy of proceedings of joint meetings

नई दिल्ली, 24 जुलाई, 2009

का.आ. 2234.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिमेन्ट कॉर्पोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 251/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2009 को प्राप्त हुआ था।

[सं. एल-29025/4/2009-आई आर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 24th July, 2009

S.O. 2234.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.251/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cement Corporation of India and their workmen, which was received by the Central Government on 23-7-2009.

[No. L-29025/4/2009-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: Shri Ved Prakash Gaur, Presiding Officer

Dated the 24th day of February, 2009

Industrial Dispute L.C. No. 251/2004

BETWEEN

Sri A. Devappa,
S/o A. Mallappa,
C/o M/s. C. Mallikarjun,
H.No.2-2-1105/A/9 (633),
Tilaknagar, Nallakunta,
Hyderabad

....Petitioner

AND

1. The Personnel Manager,
Cement Corporation of India,

Post Karankota, Tandur Mandal,
Ranga Reddy District.

2. T. Ramulu, S/o Late Narsimulu,
Government licensed Electrical Contractor,
Cement Corporation of India,
Post Karankota, Tandur Mandal,
Ranga Reddy District.Respondent

APPEARANCES

For the Petitioner : M/s. C. Mallikarjun,
C. Kalarchana & D. Madhusudhan, Advocates

For the Respondent : M/s. N. Narasimha Rao &
K. S. Sarma, Advocates
for R1
Sri M. Giri, Advocate for R2

AWARD

This case was taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in 1997 (3) LLJ Supplement, page 1141 in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed this petition against the Respondents questioning the action of the Respondents in terminating him. He submitted that he was appointed as helper in Respondent No.1 corporation in Electrical Department in the year 1984. That he was allotted P.F. No.82088 and deductions were started from the year 1991. It is submitted that he was unable to attend his duties for one year due to an accident due to which his right leg was fractured on 26-1-2003. Though he informed the management he was not allowed to resume his duties he was refused to take in duties. He prays this Court to direct the Respondent to reinstate him as a regular employee with all consequential benefits.

3. As against this, the Respondent No.1 filed a counter denying the allegations in the claim statement of the petitioner. It is submitted that the Petitioner is not an employee of R1. It is submitted that there was no master and servant relationship between the Petitioner and R1. Hence, the petition be dismissed. Respondent No.2 did not file their counter, hence, Respondent No.2 was set exparte.

4. Parties were directed to produce evidence in support their respective contentions. On 24-2-2009 both parties called absent. They are not attending to the case since 20-8-2007, as such, their evidence is closed. Hence, Nil Award is passed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 24th day of February, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 जुलाई, 2009

का.आ. 2235.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नॉर्दन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I चंडीगढ़ के पंचाट (संदर्भ संख्या 1 से 3/22 एवं 24 से 30/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-2009 को प्राप्त हुआ था।

[सं. एल-41012/69 से 79/97-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th July, 2009

S.O. 2235.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1 to 3/22 & 24 to 30/98) of the Central Government Industrial Tribunal-

cum-Labour Court-I Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Northern Railway and their workmen, received by the Central Government on 24-7-2009.

[No. L-41012/69 to 79/97-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT I,
CHANDIGARH**

Case No. I.D. 1/98 and 10 others

Sh. Radhey Shyam, C/o Sh. N.K.Nagar, 101, Distt. Court, Chandigarh 160017 and 10 others ...Applicant

Versus

The Divisional Engineer, Northern Railway-I, Ambala Cantt. 134001

..Respondent

APPEARANCES

For the workman : Sri N. K. Nagar

For the management : Sri R. S. Rana

AWARD

Passed on : 30-6-09

This award shall disposed off 11 references of different workmen referred by the Central Government. The 11 references which are being disposed off by this award are as follows :—

Sr. No.	I.D. No.	Reference No.	Name of the parties	Date
1.	1/98	L-41012/70/97-IR (B-I)	Sh. Radhey Shyam Vs. Northern Railway	2-1-90
2.	2/98	L-41012/69/97-IR (B-I)	Sh. Nihal Singh Vs. Northern Railway	2-1-90
3.	3/98	L-41012/71/97-IR (B-I)	Sh. Sohan Lal Vs. Northern Railway	2-1-90
4.	22/98	L-41012/74/97-IR (B-I)	Sh. Turashan Pal Vs. Northern Railway	21-1-90
5.	24/98	L-41012/77/97-IR (B-I)	Sh. Bangli Bapu Vs. Northern Railway	21-1-90
6.	25/98	L-41012/76/97-IR (B-I)	Sh. Varinder Singh Vs. Northern Railway	21-1-90
7.	26/98	L-41012/72/97-IR (B-I)	Sh. Hakam Singh Vs. Northern Railway	21-1-90
8.	27/98	L-41012/78/97-IR (B-I)	Sh. Digamber Vs. Northern Railway	21-1-90
9.	28/98	L-41012/75/97-IR (B-I)	Sh. Hari Singh Vs. Northern Railway	21-1-90
10.	29/98	L-41012/73/97-IR (B-I)	Sh. Mohan Singh Vs. Northern Railway	21-1-90
11.	30/98	L-41012/79/97-IR (B-I)	Sh. Rakesh Kumar Vs. Northern Railway	21-1-90

All the 11 references namely I.D. No. 1/98 Sh. Radhey Shyam Vs. Northern Railway, I.D. No. 2/98 Sh. Nihal Singh Vs. Northern Railway, I.D. No. 3/98 Sh. Sohan Lal Vs. Northern Railway, I.D. No. 22/98 Sh. Turashan Pal Vs. Northern Railway, I.D. No. 24/98 Sh. Bangli Bapu Vs. Northern Railway, I.D. No. 25/98 Sh. Varinder Singh Vs. Northern Railway, I.D. No. 26/98 Sh. Hakam Singh Vs. Northern Railway, I.D. No. 27/98 Sh. Digamber Vs. Northern Railway, I.D. No. 28/98 Sh. Hari Singh Vs. Northern Railway, I.D. No. 29/98 Sh. Mohan Singh Vs. Northern Railway, I.D. No. 30/98 Sh. Rakesh Kumar Vs. Northern Railway, are taken up for adjudication simultaneously.

In all the references, common question of law and facts are involved hence, the references are being disposed off by this award.

The main question for determination in all the references is whether the initial appointment of the workmen was bad in law being obtained by a fraudulent and forged document for three months working at Etawah? The consequential issue is also raised whether the termination on this ground is illegal and void.

It is contended by the workmen that in the year 1973-74, the workmen along with many other similarly placed persons met Sh. Amrik Singh PWI/PQRS. Sh. Amrik Singh directed all of them to join under him. He obtained the thumb impression/signatures of the workmen and the workmen accepted the appointment because they were in dire need of employment to avoid the starvation of the family. In the year 1989 a charge-sheet was given to the every workman for securing employment through unfair means by producing fictitious casual labour card containing the signatures of the every workman prior to the appointment under PWI/1/PQRS/DST. Every workman has replied to the charge-sheet and not satisfying with the reply, departmental inquiry was conducted. Workmen being illiterate do not know about the procedure of inquiry. No witness was examined by the enquiry officer and just on the statement of the workmen inquiry report was given and on the basis of inquiry report the disciplinary authority terminated the services of every workman on 23-7-1994. The workmen preferred an appeal which was dismissed by the appellate authority on 2-8-1996.

The management in its reply stated that all the workmen obtained the appointment in the Railway Department through Sh. Amrik Singh the then PQI/PQRS/Safidarganj Delhi and secured appointment letters as gangman under him as per the policy of railway on the basis of fictitious casual labour cards. It is also contended by the management that on disclosure of this fictitious labour cards explanation of all the workmen was sought and dissatisfying with the explanation an inquiry was ordered. The enquiry officer during inquiry afforded all possible opportunity of being heard to all the workmen

and after conducting a fair inquiry, inquiry report was submitted. The disciplinary authority on the basis of the inquiry report and after affording the opportunity of being heard awarded the punishment for termination of all the workmen from services. Every workman preferred the appeal which was also dismissed. The workmen raised the industrial disputes and on the failure of conciliation report, Government of India referred all the 11 industrial disputes regarding the legality of termination of the workmen.

It is evidently clear that common question of law and facts were involved in all the 11 references, and accordingly all the 11 references were consolidated. I.D. 1/98 Sh. Radhey Shyam Vs. Northern Railway was made the leading file. On perusal of order dated 23-12-2008, it is also clear that inquiry report and proceedings were set aside by this Tribunal by speaking order and the parties were directed to adduce the evidence before this Tribunal for proving the charges labeled against the workmen. Every possible opportunity for adducing evidence was given. The management of Northern Railway was directed to adduce his evidence first, and thereafter, every workman was examined.

I have heard the evidence for the parties in detail. Learned counsel for the workmen has argued that every workman has served the Railway Department for more than 10 years and they have not produced any fictitious card, accordingly they deserve to remain in service. It is also argued by learned counsel for the management that hundred of other workers having the same charges are still working with the Railway Department. A vigilance inquiry was conducted and on the basis of the vigilance inquiry report, departmental proceedings against all the 11 workmen were initiated, whereas, rest all the workmen are still enjoying the fruits of Railway services.

Learned counsel for the management has argued that every workman obtained the job through fictitious service cards having bogus entries.

First of all, it is to make clear that before directing the parties to adduce evidence, every workman was heard in person in conciliation proceedings and in open Court. Every workman was acquainted with the facts and circumstances of the case and it was in their notice for what they were charged?

On the basis of pleadings and evidence (oral and documentary) of the parties, I am of the view that termination order did not suffer with any illegality and the workmen are not entitled for any relief. I am reaching to the conclusion that workmen were rightly terminated from the services and they are not entitled for any relief on the following grounds:—

1. That the initial appointment of every workman was based on fictitious entries in their job cards. It is

very well proved by three witnesses of the management namely Sh. Vijay Kumar posted as Section Engineer/P. Way, Etawah; Sh. A.K. Roy and Sh. Subash Chander that none of the workmen had ever worked in Etawah in any of the sections of the railway.

2. It is admitted by the workman that they have never worked in Etawah in Railway Department.

3. The documents filed by the management of railway relating to the working of the workmen at Etawah also proved that the present workmen had never worked in Etawah with Railway Department.

4. The initial appointments in Safdarganj at Delhi were based on the fictitious entries in their job card, that they worked for railway at Etawah for substantial period of time and it was on their working at Etawah, they were appointed by the Railway Department. Every workman became eligible for appointment because of their working at Etawah, but none of them had worked at Etawah.

5. Thus, the initial appointments of the workmen were illegal as obtained on the basis of fictitious documents. If the initial appointment of any workmen is legal, it cannot be legalized on rendering by him a substantial period of service. Thus, I am inclined to accept the contention of the workmen that they have worked for more than 10 years in the railway and are entitled for continue in the services. An illegal appointment always remains illegal and it cannot be legalized or validated by continuously rendering the services for substantial period.

6. I am not inclined also to accept the contention of the workman that all the workmen having similar cards are still working with the department. The role of this Tribunal is limited to the act of the workmen and the action taken by the prescribed authority against them. Moreover, the jurisdiction by this Tribunal is created by the references referred by the Central Government and unless in exceptional circumstances where justice delivery warranted to do so, this Tribunal cannot travel beyond the scope of the reference.

The reference is regarding the illegal termination of 11 workmen and once it is found that their initial appointment was illegal, it cannot be the good defence that some other similarly placed persons are working with the railway department. Meaning thereby, an illegal appointment cannot be validated on the ground that some other persons on illegal appointments are working with the Railway Department. It is open for the railway department for taken appropriate disciplinary action against other workmen, if found necessary. Moreover, this may

also give an opportunity to the workmen to complaint to the prescribe authority regarding the persons who are still working with the railway department on illegal appointments. But, as stated earlier, this action cannot validate the illegal appointment of the workmen based on fictitious entries in their job cards.

Thus, on the basis of above, I am of the view that once initial appointment of any workmen is found to be illegal, it cannot at all be validated by such circumstances as alleged by the workmen in the present references. Workmen presented himself to be an old and experienced workmen while obtaining the appointment letters, but in fact they had never worked on the places shown in his job cards. The initial appointment was obtained on fictitious documents. One more argument raised by the workmen that Sh. Amrik Singh who appointed the workmen was not even given charge-sheet. There is no material on record to prove even prima facie that Sh. Amrik Singh was anyhow involved in illegal appointments of the workmen. Moreover, this issue cannot validate the illegal appointments of the workmen. At the cost of repetition, the act and conduct of the workmen shall be taken into consideration by this Tribunal under the scope of the reference referred by the Central Government.

Thus, on the basis of above observation, I am of the view that the management of Northern Railway has proved the charge labelled against the workmen before this Tribunal by adducing the reliable and cogent evidence. The termination of the workmen from the services seems to be only appropriate remedy. Thus, workmen are not entitled for any relief as they all have been rightly terminated from the services. Let the Central Government be approached for publication of the award and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 24 जुलाई, 2009

का.आ. 2236.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द काथोलिक सेरेएन बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एरनाकुलम के पंचाट (संदर्भ संख्या 13/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-2009 को प्राप्त हुआ था।

[सं. एल-12012/16/2007-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th July, 2009

S.O. 2236.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.13/2007)

of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the management of The Catholic Syrian Bank Ltd. and their workmen, received by the Central Government on 24-7-2009.

[No. L-12012/16/2007-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P. L. NORBERT, B.A., LL.B.,
Presiding Officer

(Tuesday the 14th day of July, 2009/23rd Asadha, 1931)

I. D. No.13/2007

Workman :

Mrs. K. Usha Kumari,
Valakkudi House,
Chackai, Pettah, Trivandrum.

By Adv. Shri T. P. Deyananthan.

Management :

The Chairman -cum-Managing
Director,
The Catholic Syrian Bank Ltd.,
Head Office, Trichur, Kerala.

By Adv. M/s. B. S. Krishnan Associates.

This case coming up for hearing on 10-7-2009, this Tribunal-cum-Labour Court on 14-7-2009 passed the following :

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

“Whether the action of the management of the Catholic Syrian Bank Ltd., with its head office at Trichur in terminating the services of Mrs. K. Usha Kumari, temporary part-time Sweeper of Pettah, Trivandrum branch of the bank w.e.f. 13-4-2004 is proper and justified? If not, to what relief the worker is entitled?”

2. The facts of the case in brief are as follows:—
Smt. K. Usha Kumari was temporary part-time Sweeper in Petta Branch of Catholic Syrian Bank. Her mother was a part time sweeper of the branch till her death on 9-4-1996. In that vacancy Usha Kumari was engaged as temporary

part time sweeper. She continued to work until her termination from service on 13-4-2006. The termination is challenged on the ground that it is against the recognised procedure and provisions of Industrial Disputes Act. The demand of the worker for regularisation and increase in pay irritated the management and they were looking for a chance to smoke her out. No enquiry was conducted. The action was taken by the management during the pendency of conciliation proceedings before District Labour Officer. According to the management the worker had lodged a complaint with District Labour Officer that she was compelled to overwork. Since the worker started delaying the work with some ulterior motive which caused inconvenience in the smooth functioning of the bank a show cause notice was issued to her asking her to explain as to why her service shall not be dispensed with. Since no reply was submitted an order of termination was issued. There is no illegality in disengaging the worker as she was only a temporary part time sweeper and her service was dispensed with after giving notice.

3. In the light of the above contentions the only point that arises for consideration is :

Whether the termination is legal ?

4. The evidence consists of the oral testimony of MW1 and the documentary evidence of Exts.M1 to M14(a) on the side of the management and WW1 and Exts. W1 to W-21 on the side of the worker.

5. **The Point:**— The fact that Smt. K. Usha Kumari was a temporary part time sweeper is admitted. But according to the worker she was engaged initially during the leave vacancy of her mother Kousalya who was a part time sweeper in Pettah branch. While so, Smt. Kausalya died on 9-4-1996. Since then Smt. Usha Kumari was working continuously till her termination from service. But the management denies engagement of the worker prior to 9-4-1996. But that cannot have any bearing on the issue referred. It is admitted that from 9-4-1996 till termination on 13-4-2006 she had been working continuously. There is no case or record to show that someone else was also working as part time sweeper during this period. No regular hands were also appointed. Thus she worked continuously for a period of 10 years as temporary part time sweeper. But according to the management the initial appointment was for a period of 6 months and was being renewed on application for the following periods of six months each. That at any rate does not affect continuous service defined under Section 25-B of I.D. Act because there is no break in service.

6. Ext.M1 is the application of the worker for employment as part time sweeper. Ext.M2 is the

very well proved by three witnesses of the management namely Sh. Vijay Kumar posted as Section Engineer/P.Way, Etawah; Sh. A.K. Roy and Sh. Subash Chander that none of the workmen had ever worked in Etawah in any of the sections of the railway.

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By Adv. Shri T. P. Deyananthan.

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part time sweeper. She continued to work until her termination from service on 13-4-2006. The termination is challenged on the ground that it is against the recognised procedure and provisions of Industrial Disputes Act. The demand of the worker for regularisation and increase in pay irritated the management and they were looking for a chance to smoke her out. No enquiry was conducted. The action was taken by the management during the pendency of conciliation proceedings before District Labour Officer. According to the management the worker had lodged a complaint with District Labour Officer that she was compelled to overwork. Since the worker started delaying the work with some ulterior motive which caused inconvenience in the smooth functioning of the bank a show cause notice was issued to her asking her to explain as to why her service shall not be dispensed with. Since no reply was submitted an order of termination was issued. There is no illegality in disengaging the worker as she was only a temporary part time sweeper and her service was dispensed with after giving notice.

3. In the light of the above contentions the only point that arises for consideration is :

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5. **The Point:**— The fact that Smt. K. Usha Kumari was a temporary part time sweeper is admitted. But according to the worker she was engaged initially during the leave vacancy of her mother Kousalya who was a part time sweeper in Pettah branch. While so, Smt. Kausalya died on 9-4-1996. Since then Smt. Usha Kumari was working continuously till her termination from service. But the management denies engagement of the worker prior to 9-4-1996. But that cannot have any bearing on the issue referred. It is admitted that from 9-4-1996 till termination on 13-4-2006 she had been working continuously. There is no case or record to show that someone else was also working as part time sweeper during this period. No regular hands were also appointed. Thus she worked continuously for a period of 10 years as temporary part time sweeper. But according to the management the initial appointment was for a period of 6 months and was being renewed on application for the following periods of six months each. That at any rate does not affect continuous service defined under Section 25-B of I.D. Act because there is no break in service.

6. Ext.M1 is the application of the worker for employment as part time sweeper. Ext.M2 is the

appointment order. Ext.M3 is a report of Branch Manager to the Chairman of the bank regarding joining of duty by the worker. Ext.M4 is a show-cause notice issued by the bank on 18-1-2006. Ext.M4 (a) is the postal acknowledgement card. According to the bank the worker failed to reply to Ext.M4 notice. Hence on 6-3-2006 an order of termination was issued which is Ext.M5. It is submitted by the learned counsel for the worker that to Ext.M4 the worker had sent a reply. However there is no evidence to show that the worker had replied. Immediately after the order of termination the worker had made a representation to the Branch Manager on 10-3-2006 which is Ext.M6. There, nothing is mentioned about a reply having sent to Ext. 4. She only sought reinstatement by Ext.M6. The question is whether by merely issuing a show cause notice a temporary worker can be thrown out from service without a domestic enquiry. Admittedly the worker was a temporary part time sweeper all along. The very nature of the status invites the risk of termination at any movement, but following the procedure for termination under I.D. Act. If the worker has put in a continuous service of 240 or more days in a calendar year her service as temporary employee can be dispensed with only in compliance with S.25-F of I.D. Act. However unlike a regular employee no domestic enquiry is required in respect of a temporary hand. Therefore there is no illegality in terminating the service without an enquiry. As per records produced by the management she was given an opportunity of hearing by issuing a notice and calling for an explanation. The worker did not avail the opportunity by replying to the allegations in the show-cause notice.

7. Since the worker had worked continuously for more than 240 days every year till her termination she can be sent away only in accordance with S.25-F of I.D. Act. Definitely a notice contemplated under Section 25-F was given to the worker by Ext. M4 dated 18-1-2006. The order of termination was issued only on 6-3-2006 after more than one month. But S.25-F(b) is also to be complied with by the management i.e., she has to be given retrenchment compensation equivalent to fifteen days' average pay for every completed year of continuous service. Admittedly the 2nd part of the provision is not complied with by the management. i.e. is not enough to comply with this provision subsequent to the order of termination. It is a mandatory provision and its violation makes the order ab initio void.

8. That apart at the time of termination a conciliation proceeding was pending with District Labour Officer. In

para 4 of the claim statement it is mentioned that the worker had lodged a complaint with D.L.O., Trivandrum on 13-12-2005. While that complaint was pending with D.L.O. she was terminated from service by order dated 6-3-2006. She had filed another complaint on 10-3-2006 to D.L.O. complaining about the termination. Ext.M7 is the complaint. The D.L.O. had issued a notice on the complaint to the management on 20-3-2006 and copy of the notice is Ext.M8. There is an allegation by the worker that what prompted the management to terminate her service is due to the complaint lodged by her with D.L.O. To support the contention Ext.W-13 is produced by the worker. It is a letter of Branch Manager to the worker dated 6-8-1999 asking her to withdraw the complaint lodged with the D.L.O. in 1999 so that the management would consider her for appointment as part time sweeper. However the show-cause notice was issued only in 2006 and termination order was also issued in 2006. Therefore the first complaint lodged with the D.L.O. in 1999 has no immediate link to the action initiated in 2006. But the action was taken pending a complaint with the D.L.O. lodged in 2005. S.33 of the I.D. Act says that the service conditions have to remain unchanged during the pendency of conciliation proceedings before a Conciliation Officer or a Board or Arbitrator or a Labour Court or Industrial Tribunal or National Industrial Tribunal except with the express permission in writing of the authority before which the proceeding is pending. No. permission was obtained by the management for terminating the service of the worker. Smt. Usha Kumari being a workman within the definition of S.2(s) of I.D. Act it was necessary to obtain permission of D.L.O. before terminating the service. On that ground also the termination is illegal.

In the light of the reasons stated above I find that the termination is illegal and in violation of the provisions of S.25-F and 33 of I.D. Act and hence the worker is entitled to be reinstated.

In the result an award is passed finding that the action of the management in terminating the service of Smt. K. Usha Kumari, temporary part time sweeper of Pettah branch w.e.f. 13-4-2006 is illegal and improper and she is entitled to be reinstated with back wages and all other consequential benefits.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant transcribed and typed by her corrected and passed by me on this the 14th day of July, 2009.

P. L. NORBERT, Presiding Officer

Appendix**Witness for the Workman**

WW1 - 6-5-2009 - Smt. Usha Kumari

Witnesses for the Management

MW1 - 8-7-2009 - Smt. P. J. Thressiakutty

Exhibits for the Workman

W1 - Pass Book of late Kausalya.

W2 - Photocopy of pay slip of late Kausalya.

W3 - Character and conduct certificate issued from St. Anne's Church to Kausalya.

W4 - Appointment letter issued to late Kausalya.

W5 - Death Certificate of late Kausalya.

W6 - Photocopy of the identity card of workman

W7 - Original Pass Book of workman

W8 - The photocopy of pay slip of workman.

W9 - True copy of the representation submitted by the workman to the Manager of the Bank for releasing salary withheld from January, 1999.

W10 - Original Letter dated 17-3-1999 issued by the Bank dispensing with the service of workman.

W11 - True copy of the representation dated 20-3-1999 Workman addressed to the General Manager requesting to release the salary

W12 - Letter dated 26-3-1999 of Bank issued to the worker regarding disbursement of salary.

W13 - Letter dated 6-8-1999 issued by the Manager, demanding withdrawal of complaint.

W14 - Notice dated 16-9-1999 issued from the office of D.L.O. Thiruvananthapuram regarding conciliation to be held on 24-9-1999

W15 - Show-cause notice 18-1-2006 issued to the worker.

W16 - Explanation dated 1-2-2006 to Ext.W-15

W17 - Postal receipt dated 3-2-2006.

W18 - Postal acknowledgement card.

W19 - Order of termination dated 6-3-2006 of the Deputy General Manager issued to the workman.

W20 - True copy of the representation dated 10-3-2006 submitted by the workman to the General Manager requesting reinstatement.

W21 - Letter dated 18-5-2006 of D.L.O. Thiruvananthapuram issued to worker.

Exhibits for the Management

M1 - Application of the worker dated 10-9-1996 for engagement as part time sweeper.

M2 - True copy of the Letter No.3612/97 dated 16-5-1997 issued by the Staff Department of the Head office to the Branch Manager, Pallimukku.

M3 - True copy of the reply to the above letter dated 21-5-1997 issued by the Branch Manager, Pallimukku.

M4 - True copy of the show-cause notice No.S/7886/2006 dated 18-1-2006 issued by the Head Office to Smt. Usha Kumari.

M4(a)-True copy of the postal acknowledgement card (a) dated 23-1-2006.

M5 - True copy of the communication of disengagement dated 6-3-2006 issued to the worker.

M6 - True copy of the letter dated 10-3-2006 submitted by Usha Kumari to the Branch Manager.

M7 & 8 -True copy of the petition filed by Smt. Usha Kumari before the District Labour Officer, Trivandrum dated 10-3-2006 and the forwarding letter of District Labour Officer.

M9 - True copy of the reply submitted by the Management dated 28-4-2006 before District Labour Officer.

M10 - True copy of the petition filed by Smt. Usha Kumari before Abhaya Court, Trivandrum.

M11 - True copy of the reply to M-10 submitted by the Management dated 16-6-2006.

M12 - True copy of the representation dated 3-12-2005 submitted by Smt. Usha Kumari to the District Labour Officer, Trivandrum.

M13 - True copy of the reply dated 21-1-2006 submitted by the management to the above representation.

M14 - Failure report of the Asst. Labour Commissioner (Central) dated 17-1-2007.

M14(a)-Minutes of discussion before the Asst. Labour Commissioner (Central) dated 15-1-2007.

नई दिल्ली, 27 जुलाई, 2009

For the Workmen : Mr. B.B. Lakhakar
Advocate.

Mumbai, dated 5th June, 2009.

का. आ. 2237.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. वेस्टर्न इंडिया शिपयार्ड लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/41/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2009 को प्राप्त हुआ था।

[सं. एल-36011/5/2000-आईआर(एम)]
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S. O. 2237.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/41/2001) of the Central Government Industrial Tribunal/Labour Court, No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Western India Shipyard and their workman, which was received by the Central Government on 23-7-2009.

[No. L-36011/5/2000-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

Present : Shri A. A. Lad, Presiding Officer

Reference No. CGIT-2/41 of 2001

Employers in Relation to the Management of
M/s. Western India Shipyard Ltd.

The Managing Director
M/s. Western India Shipyard Ltd.
Mormugao Harbour
Mormugao.
Goa-403 803.

And

Their Workmen
The General Secretary
Marmagao Waterfront Workers Union
Mukund Building, 2nd floor
P.O. Box No. 90
Vasco-da-Gama
Goa-403 802.

APPEARANCES

For the Employer : M/s. S. G. Kurup Advocate
i/b
M/s. Legal Associates.

AWARD PART-II

The Government of India, Ministry of Labour by its Order No. L-36011/5/2000- IR(M) dated 27-3-2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. Western India Shipyard Ltd., Goa in refusing employment to Shri Shivanand N. Desai, Fireman w.e.f. 9-5-2000 is legal and justified? If not, to what relief the workman is entitled?"

2. Claim Statement is filed by the General Secretary, Marmagao Waterfront Workers Union, Vasco-da-Gama at Ex-5 stating that concerned workman worked on the post of Fireman in Fire & Safety Department with first party. He was served with letter dated 4-8-1999 where irregular attendance to duties from 7-7-1999 was mentioned. Management called upon the workman to resume his duties on 12-8-1999 and accordingly workman resumed his duties. According to union, concerned workman was having weekly off on 7-7-1999 and was present on duty on 8-7-1999. It is case of the union that, on 9-8-99, 10-08-99 and 11-8-99 due to knee injury he unable to report on duty and had intimated Sanjay Rao, Personnel Officer. It is submitted by union that, inspite of resuming duty on 12-8-1999 again concerned workman was issued charge sheet dated 16-11-1999 leveling charges of unauthorised absenteeism of 8 days upto August 1999 and charge of willful insubordination or disobedience of superiors and acts subversive of discipline. According to union, said charges were vague. In the said charge sheet, no sufficient time was given to him to reply the charges. It is submitted by the union that, again he was informed to attend the enquiry by letter dated 25-10-99 by fixing date of inquiry without giving sufficient time. It is alleged by the union, that during that relevant period, concerned workman appeared with representative in the enquiry by making preparation. Though dates were given, no body appeared from management side. It is alleged by the union that, from 6-4-2000 to 8-5-2000 concerned workman was suffering from jaundice and had intimated that with medical certificate to first party management. On 9-5-2000 when he reported to join duty, he was not allowed to join. According to union, on such charges inquiry was conducted and without giving sufficient opportunity, finding was given by the Inquiry Officer by holding him guilty of unauthorised absenteeism. So it

is case of union that, said inquiry be declared null and void observing findings perverse. It is also stated that, punishment awarded of dismissal be set aside with cost and with direction to first party to reinstate him in the employment with benefit of backwages and continuity of service.

3. This is disputed by the first party by filing reply at Ex-8 stating that, enquiry was fair and proper. It is stated that sufficient opportunity was given to concerned workman. It is alleged that it was not utilized by the concerned workman. It is stated that, he was having habit of remaining absent. He remained absent on number of instances without intimation and without prior permission. It is alleged that, charge sheet was served and opportunity was given. It is stated that, nobody appeared on his behalf and protested the action of the Management. It is case of the first party that, since concerned workman was working on sensitive post of Fireman and since he was having habit of remaining absent with out prior intimation and permission, his absenteeism affect on the administration of the management and it unable to cope up with that and provide a substitute to fill the absence of the concerned workman to update the Fire and Safety Department. So it is submitted that, since concerned workman was irregular in attending his duties and frequently remained absent which he continued reveal that, he is not interested in the employment and management was left with no other option but to dismiss concerned workman from employment. So it submitted that, action taken of dismissal is just, proper and does not require to interfere.

4. Union filed Rejoinder at Ex-9 denying the case of the first party and asking management to prove the contention taken in the written statement.

5. In view of the above pleadings my Learned Predecessor framed issues at Ex-10. Out of those, issue of fairness of enquiry and perversity of findings were decided by passing part-I award on 14-7-2006 holding enquiry not fair, proper and findings perverse. In the said order, first party was asked to justify its action of dismissal. So the following issues i.e. issue Nos. 3 & 4 are now taken for consideration which are answered against it.

Issues	Findings
(iii) Whether the action of the management of M/s. Western India Shipyard Ltd., Goa in refusing employment to Shri Shivanand N. Desai, Fireman w.e.f. 9-5-2000 is legal and justified?	Yes.
(iv) What relief Shri Desai is entitled to?	Does not arise.

Reasons

Issues Nos. 3 & 4:

6. By passing part- I award, enquiry was declared null and void and findings perverse.

7. In this second attempt, first party, tried to justify its action of dismissal by leading evidence and had filed affidavit in lieu of examination- in-chief of Krishnan A. Thevar at Ex-54 and of Rajesh Ajit Naik at Ex.71 who had stated in their respective affidavits that, concerned workman was having habit of remaining absent. Both in their respective affidavits have pointed out absenteeism of the concerned workman of July, 1998 to October, 1998. They also stated that, management issued letter dated 23-10-1998 asking concerned workman to join the duty with explanation about absenteeism. They also stated that, by letter dated 02-01-1999 they pointed out absenteeism of concerned workman. They alleged that, concerned workman was in habit of remaining absent. They alleged that, number of opportunities were given to the concerned workman, but he did utilised it and show any improvement and he continued to remain absent. They claim that, even after enquiry, this workman continued to remain absent. They alleged that, in January, 1998 concerned workman remained absent for 3 days. They alleged that, in the month of February, 1998 he was absent for 10 days. They alleged that in March, 1998, he was absent for 3 days, in April, 1998 for 4 days, in May, 1998 for 7 days, in June, 1998, for 8 days, in July, 1998, for 20 days, in August, 1998 for 8 days, in September, 1998, for 14 days, in October, 1998, for 16 days, in November, 1998 for 5 days and in the month of December, 1998, for 10 days. They also alleged that, in January, 1999 concerned workman again remained absent for 22 days, in February, 1999 for 19 days, in March, 1999 for 24 days, in April, 1999 for 22 days, in May, 1999 for 18 days, in June 1999 for 2 days and in July, 1999 for 21 days. As far of this absenteeism is concerned, though witnesses management were made available in cross, it is pertinent to note that, except asking for producing original of muster roll and non-supplying of copies, nothing is put those witnesses by concerned workman on charge of absenteeism. It is pertinent to note that said absenteeism was not denied by the concerned workman saying that he was present but he was purposely marked absent. Even he admits the address mentioned is service record. First party alleges that, most of correspondence were sent to workman's address but not claimed.

8. As far as absenteeism is concerned, and the absenteeism pointed out by these witnesses after enquiry which is not disputed by concerned workman reveals that, there was no improvement in the absenteeism of the concerned workman. It is pertinent to note that, concerned workman was working in Fire Department as Fireman. We know the importance of Fire Department

and its emergency and its punctuality. If staff is not available in such Department, definitely question will arise in what way Fire Department can tackle the urgent call or emergency call to extinguish fire? With out staff and without proper equipment one cannot handle the situation of fire and it is not possible for the Fire Department to attend such emergency calls and tackle those. It is to be noted that, these 2 witnesses examined by first party management have repeatedly stated that, this workman had habit of remaining absent and there was no improvement in his absenteeism. When they have leveled charge of absenteeism and when concerned workman admit the charge of absenteeism, in my considered view the evidence led by first party is sufficient to justify its action of dismissal. All these absenteeism reveals that he is not interested in the employment. Explanation given by him of his absenteeism does not reveal that, he had intimated first party and has obtained permission. Even he has not brought any single evidence on record to show that during above absenteeism on particular occasion, he obtained prior permission of first party or remained absent with intimation.

9. As stated above, if person like this remained absent from duty there will be problem for Department to substitute person in place of concerned workman. Besides it is not case that, it was rare occasion of his absenteeism. On the contrary, management witness referred above reveals that, on number of occasions he remained absent and he has not shown single example, or single instance where he has obtained permission during his absenteeism or remained absent with prior permission or intimation. In reply Second party filed affidavit at Ex-80. In the cross he admits that, he was absent from duty when he was dismissed from employment. He admits that he might be absent in July, 1998. Even he admits that, he has no evidence to show that, documents maintained by first party are not genuine and are fabricated. He admits that he has no evidence to show that, first party manages postal authority to create evidence about obtaining remarks "refused" on correspondence. Even he admits that, his address of Karvar and Vasco-da -Gama were with First party, He stated that, he received one letter on that address. When this is the situation and when concerned workman admits that he remained absent from the post of Fireman which is very sensitive and important post, in my considered view decision taken of dismissal is just proper and does not require any interference.

10. Though it was held that, enquiry was not fair and proper and findings perverse, still first party management succeeded in justifying its action of dismissal. I accept the decision of the management holding it just and proper. So I conclude that decision taken by first party in dismissing concerned workman does not invite any interference.

11. Since decision taken by the first party is just and proper, in my considered view concerned workman is not entitled for any relief.

12. In view of above discussions, I conclude that, reference require to be rejected. Hence the order:

ORDER

Reference is rejected.

A. A. LAD, Presiding Officer

Date: 05-06-2009

नई दिल्ली, 27 जुलाई, 2009

का. आ. 2238.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ओ. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-I, नई दिल्ली के पंचाट (संदर्भ संख्या 49/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2009 को प्राप्त हुआ था।

[सं. एल-30011/18/2007-आईआर(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S. O. 2238.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 49/2007) of the Central Government Industrial Tribunal/Labour Court, No. I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IOCL and their workman, which was received by the Central Government on 23-7-2009.

[No. L-30011/18/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1,
NEW DELHI, KARKARDOOMA COURT
COMPLEX DELHI
I. D. No. 49/2007

Ram Lakhan Sahni
Through The President,
Gas Workers Union,
C/o CPWD Workers Union, Sector—IV,
R. K. Puram, New Delhi—110022.

....Workman

Versus

The Sr. Plant Manager,
Indian Oil Corporation Ltd. (IOCL),
LPG Bottling Plant, Madanpur Khadar,
New Delhi—110076.

M/s. Madhu Gas Agency,
Shop No. 15, Indel Commercial Complex,
Main Market Kondli,
New Delhi—110091.

....Management

AWARD

Ram Lakhan Sahni was working with M/s. Madhu Gas Agency, New Delhi, contractor of IOCL, LPG Bottling Plant, Madanpur, Khadar, New Delhi, who were given work order for cylinder transportation as Madanpur Khadar plant of Indian Oil Corporation. He claimed that he was appointed by the management. In June, 2005, his services were dispensed with. Feeling aggrieved by the said act he raised an industrial dispute before the conciliation officer. Since conciliation proceedings failed, the appropriate Government referred a dispute to this Tribunal vide letter No. L-30011/18/2007-IR(M) dated 25-6-2007 with following terms :—

“Whether the termination of the workmen, Shri Ram Lakhan Sahni in June, 2005, by M/s. Madhu Gas Agency, New Delhi contractor of IOCL, LPG, Bottling Plant, Madanpur Khadar, New Delhi is just and legal? If not, to what relief the workmen are entitled?”

2. The appropriate Government directed the workman to file his claim statement with his Tribunal within a period of 15 days vide letter dated 25th of June, 2007. In spite of instructions issued in that regard, workman opted not to file any claim statement.

3. Notice was sent to the workman to file his claim statement. Shri D. Sharma General Secretary, Gas Workers Union Sector 4, R.K. Puram, New Delhi, appeared before this Tribunal on 13-9-07. Matter was adjourned for filing of the claim statement for 14-11-07. Thereafter none appeared on behalf of the workman.

4. Fresh notice was sent to the workman by registered post on 12-6-09, calling upon the workman to file his claim statement. Neither the postal article has been received back nor anyone appeared on behalf of the workman in pursuance of the notice. Every presumption lies in favour of the fact that the workman was served with the notice. No claim statement has been filed in the matter, on behalf of the workman.

5. Management presented its written statement in an answer to the terms of the reference. It was claimed on behalf of the management that there was no relationship of employer and employee between the workman and Indian Oil Corporation. It was agitated that the workman may be an employee of M/s. Shiv Goods Carrier, who were given work order for cylinder transportation at the Madanpur Khadar plant of the Corporation. It was projected that for want of privity of contract between the parties, there was no dispute, much-less on industrial dispute, to be adjudicated by this Tribunal. From facts projected by the management it emerges that there was no relationship of employer and employee between the workman and Indian Oil Corporation.

6. Since the workman had not opted to put forward his claim and management denies relationship of workman

and employer between them, under these circumstances it cannot be said that services of the workman were terminated by the Indian Oil Corporation in June, 05. The reference itself proposes that service of the workman was terminated by M/s. Shiv Goods Carrier, New Delhi, who were working as contractor at LPG Bottling Plant, Madanpur Khadar of the Corporation. Under these circumstances it is evident that no industrial dispute existed between the workman and the management of Indian Oil Corporation. For want of claim statement on behalf of the workman it emerges that the workman had given up his grievance in the matter. Under these circumstances an award is accordingly passed. It be sent to the appropriate Government for publication.

DR. R. K. YADAV, Presiding Officer

Dated: 7-7-09

नई दिल्ली, 27 जुलाई, 2009

का. आ. 2239.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ओ. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 52/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-09 को प्राप्त हुआ था।

[सं. एल-30011/20/2007-आई.आर.(एम)]
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S. O. 2239.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 52/2007) of the Central Government Industrial Tribunal/Labour Court, No. 1, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of IOCL and their workman, which was received by the Central Government on 23-7-09.

[No. L-30011/20/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1,
NEW DELHI, KARKARDOOMA COURT COMPLEX
DELHI**

I. D. No. 52/2007

Shri Jai Parkash Mandal
Through The President,
Gas Workers Union,
C/o CPWD Workers Union, Sector—IV,
R. K. Puram, New Delhi—110022.

....Workman

Versus

The Sr. Plant Manager,
Indian Oil Corporation Ltd. (IOCL),
LPG Bottling Plant, Madanpur Khadar,
New Delhi—110076.

2. M/s. Mehra Roadways,
TPT Centre,
6, Punjabi Bagh,
New Delhi

.....Management

AWARD

Jai Parkash Mandal was working with M/s Mehra Roadways, New Delhi, contractor of IOCL, LPG Bottling Plant, Madanpur Khadar, New Delhi, who were given work order for cylinder transportation at Madanpur Khadar plant of Indian Oil Corporation. He claimed that he was appointed by the management. In June, 2005, his services were dispensed with. Feeling aggrieved by the said act he raised an industrial dispute before the conciliation officer. Since conciliation proceedings failed, the appropriate Government referred a dispute to this Tribunal vide letter No. L-30011/20/2007-IR(M) dated 25-6-2007 with following terms:-

“Whether the termination of the workmen, Shri Jai Parkash Mandal in June, 2005, by M/s Mehra Roadways, New Delhi contractor of IOCL, LPG, Bottling Plant, Madanpur Khadar, New Delhi is just and legal? If not, to what relief the workmen are entitled?”

2. The appropriate Government directed the workman to file his claim statement with this Tribunal within a period of 15 days vide letter dated 25th of June, 2007. In spite of instructions issued in that regard, workman opted not to file any claim statement.

3. Notice was sent to the workman to file his claim statement. Shri D. Sharma, General Secretary, Gas Workers Union Sector 4, R.K. Puram, New Delhi, appeared before this Tribunal on 13-9-07. Matter was adjourned for filing of the claim statement for 14-11-07. Thereafter none appeared on behalf of the workman.

4. Fresh notice was sent to the workman by registered post statement on 12-6-09, calling upon the workman to file his claim statement. Neither the postal article has been received back nor anyone appeared on behalf of the workman in pursuance of the notice. Every presumption lies in favour of the fact that the workman was served with the notice. No claim statement has been filed in the matter, on behalf of the workman.

5. Management presented its written statement in an answer to the terms of the reference. It was claimed on behalf of the management that there was no relationship of employer and employee between the workman and Indian Oil Corporation. It was agitated that the workman may be

an employee of M/s. Mehra Roadways, who were given work order for cylinder transportation at the Madanpur Khadar Plant of the Corporation. It was projected that for want of privity of contract between the parties, there was no dispute, much-less on industrial dispute, to be adjudicated by this Tribunal. From facts projected by the management it emerges that there was no relationship of employer and employee between the workman and Indian Oil Corporation.

6. Since the workman had not opted to put forward his claim and management denies relationship of workman and employer between them, under these circumstances it cannot be said that services of the workman were terminated by the Indian Oil Corporation in June, 05. The reference itself proposes that service of the workman was terminated by M/s. Mehra Roadways, New Delhi, who were working as contractor at LPG Bottling Plant, Madanpur Khadar of the Corporation. Under these circumstances it is evident that no industrial dispute existed between the workman and the management of Indian Oil Corporation. For want of claim statement on behalf of the workman it emerges that the workman had given up his grievance in the matter. Under these circumstances an award is accordingly passed. It be sent to the appropriate Government for publication.

DR. R.K. YADAV, Presiding Officer

Dated: 7-7-09

नई दिल्ली, 27 जुलाई, 2009

का. आ. 2240.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ओ. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 54/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-09 को प्राप्त हुआ था।

[सं. एल-30011/22/2007-आई.आर.(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S. O. 2240.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54/2007) of the Central Government Industrial Tribunal/Labour Court, No.-1, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IOCL. and their workman, which was received by the Central Government on 23-7-09.

[No. L-30011/22/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1,
NEW DELHI, KARKARDOOMA COURT COMPLEX
DELHI**

I. D. No. 54/2007

Shri Raja Mandal
Through The President,
Gas Workers Union,
C/o CPWD Workers Union, Sector—IV,
R. K. Puram, New Delhi—110022.Workman

Versus

The Sr. Plant Manager,
Indian Oil Corporation Ltd. (IOCL),
LPG Bottling Plant, Madanpur Khadar,
New Delhi—110076.

2. M/s. Veena Gas Service,
2/30A, Sarajullina Okhla Road,
New Delhi—110025Management

AWARD

Raja Mandal was working with M/s. Veena Gas Service, New Delhi, contractor of IOCL, LPG Bottling Plant, Madanpur Khadar, New Delhi, who were given work order for cylinder transportation at Madanpur Khadar plant of Indian Oil Corporation. He claimed that he was appointed by the management. In December, 2005, his services were dispensed with. Feeling aggrieved by the said act he raised an industrial dispute before the conciliation officer. Since conciliation proceedings failed, the appropriate Government referred a dispute to this Tribunal vide letter No. L-30011/22/2007-IR(M) dated 25-6-2007 with following terms:-

“Whether the termination of the workmen, Shri Raja Mandal in December, 2005, by M/s. Veena Gas Service, New Delhi contractor of IOCL, LPG, Bottling Plant, Madanpur Khadar, New Delhi is just and legal? If not, to what relief the workmen are entitled?”

2. The appropriate Government directed the workman to file his claim statement with this Tribunal within a period of 15 days vide letter dated 25th of June, 2007. In spite of instructions in that regard, workman opted not to file any claim statement.

3. Notice was sent to the workman to file his claim statement. Shri D. Sharma, General Secretary, Gas Workers Union Sector 4, R.K. Puram, New Delhi, appeared before this Tribunal on 13-9-07. Matter was adjourned for filing of the claim statement for 14-11-07. Thereafter none appeared on behalf of the workman.

4. Fresh notice was sent to the workman by registered post on 12-6-09, calling upon the workman to file his claim

statement. Neither the postal article has been received back nor anyone appeared on behalf of the workman in pursuance of the notice. Every presumption lies in favour of the fact that the workman was served with the notice. No claim statement has been filed in the matter, on behalf of the workman.

5. Management presented its written statement in an answer to the terms of the reference. It was claimed on behalf of the management that there was no relationship of employer and employee between the workman and Indian Oil Corporation. It was agitated that the workman may be an employee of M/s. Mehra Roadways, who were given work order for cylinder transportation at the Madanpur Khadar plant of the Corporation. It was projected that for want of privity of contract between the parties, there was no dispute, much-less the industrial dispute, to be adjudicated by this Tribunal. From facts projected by the management it emerges that there was no relationship of employer and employee between the workman and Indian Oil Corporation.

6. Since the workman had not opted to put forward his claim and management denies relationship of workman and employer between them, under these circumstances it cannot be said that services of the workman were terminated by the Indian Oil Corporation in December, 05. The reference itself proposes that service of the workman was terminated by M/s. Veena Gas Service, New Delhi, who were working as contractor at L.P.G Bottling Plant, Madanpur Khadar of the Corporation. Under these circumstances it is evident that no industrial dispute existed between the workman and the management of Indian Oil Corporation. For want of claim statement on behalf of the workman it emerges that the workman had given up his grievance in the matter. Under these circumstances an award is accordingly passed. It be sent to the appropriate Government for publication.

DR. R. K. YADAV, Presiding Officer

Dated: 7-7-09

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2241.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ओ. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 53/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-09 को प्राप्त हुआ था।

[सं. एल-30011/21/2007-आई.आर.(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S. O. 2241.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/2007) of the Central Government Industrial Tribunal/Labour Court, No.-I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IOCL and their workman, which was received by the Central Government on 23-7-09.

[No. L-30011/21/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1,
NEW DELHI, KARKARDOOMA COURT COMPLEX,
DELHI**

I. D. No. 53/2007

Jagan Nath Paswan,
Through The President,
Gas Workers Union,
C/o CPWD Workers' Union, Sector—IV,
R. K. Puram, New Delhi—110022. Workman

Versus

The Sr. Plant Manager,
Indian Oil Corporation Ltd. (IOCL),
LPG Bottling Plant, Madanpur Khadar,
New Delhi—110076.

M/s. Shiv Goods Carrier,
G.T. Road,
Palwal (Haryana). Management

AWARD

Jagan Nath Paswan was working with M/s. Shiv Goods Carrier, New Delhi, contractor of IOCL, LPG Bottling Plant, Madanpur, Khadar, New Delhi, who were given work order for cylinder transportation at Madanpur Khadar plant of Indian Oil Corporation. He claimed that he was appointed by the management. In May, 2005, his services were dispensed with. Feeling aggrieved by the said act he raised an industrial dispute before the conciliation officer. Since conciliation proceedings failed, the appropriate Government referred a dispute to this Tribunal vide letter No. L-30011/21/2007-IR(M) dated 25-6-2007 with following terms :—

“Whether the termination of the workman, Shri Jagan Nath Paswan in May, 2005, by M/s. Shiv Goods Carrier, New Delhi, contractor of IOCL, LPG, Bottling Plant, Madanpur Khadar, New Delhi is just and legal? If not, to what relief the workmen are entitled?”

2. The appropriate Government directed the workman to file his claim statement with this Tribunal within a period of 15 days vide letter dated 25th of June, 2007. Inspite of instructions issued in that regard, workman opted not to file any claim statement.

3. Notice was sent to the workman to file his claim statement. Shri D. Sharma General Secretary, Gas Workers Union, Sector 4, R.K. Puram, New Delhi, appeared before this Tribunal on 13-9-07. Matter was adjourned for filing of the claim statement for 14-11-07. Thereafter none appeared on behalf of the workman.

4. Fresh notice was sent to the workman by registered post on 12-6-09, calling upon the workman to file his claim statement. Neither the postal article has been received back nor anyone appeared on behalf of the workman in pursuance of the notice. Every presumption lies in favour of the fact that the workman was served with the notice. No claim statement has been filed in the matter on behalf of the workman.

5. Management presented its written statement in an answer to the terms of the reference. It was claimed on behalf of the management that there was no relationship of employer and employee between the workman and Indian Oil Corporation. It was agitated that the workman may be an employee of M/s. Shiv Goods Carrier, who were given work order for cylinder transportation at the Madanpur Khadar plant of the Corporation. It was projected that for want of privity of contract between the parties, there was no dispute, much-less on industrial dispute, to be adjudicated by this Tribunal. From the facts projected by the management it emerges that there was no relationship of employer and employee between the workman and Indian Oil Corporation.

6. Since the workman had not opted to put forward his claim and management denies relationship of workman and employer between them, under these circumstances it cannot be said that services of the workman were terminated by the Indian Oil Corporation in May, 2005. The reference itself proposes that service of the workman was terminated by M/s. Shiv Goods Carrier, New Delhi, who were working as contractor at LPG Bottling Plant, Madanpur Khadar of the Corporation. Under these circumstances it is evident that no industrial dispute existed between the workman and the management of Indian Oil Corporation. For want of claim statement on behalf of the workman it emerges that the workman had given up his grievance in the matter. Under these circumstances an award is accordingly passed. It be sent to the appropriate Government for publication.

DR. R. K. YADAV, Presiding Officer

Dated: 7-7-2009

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2242.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ओ. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 51/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2009 को प्राप्त हुआ था।

[सं. एल-30011/23/2007-आईआर(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2242.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2007) of the Central Government Industrial Tribunal-cum-Labour Court, No.-I, New Delhi, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IOCL and their workmen, which was received by the Central Government on 23-7-2009.

[No. L-30011/23/2007-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
NO. I, NEW DELHI,
KARKARDOOMA COURT COMPLEX, DELHI**

I. D. No. 51/2007

Shri Raju Rai, Bhagya Narain, Bechan Dubey & Ashok Mandal,

Through the President,

Gas Workers Union,

C/o CPWD Workers Union, Sector-IV

R. K. Puram, New Delhi-110022.

.....Workman

Versus

The Sr. Plant Manager,

Indian Oil Corporation Ltd. (IOCL),

LPG Bottling Plant, Madanpur Khadar,

New Delhi-110076.

M/s K-2, International, 255 A,

Pocket -N, Sarita Vihar,

New Delhi-110076.

.....Management

AWARD

S/Shri Raju Rai, Bhagya Narain, Bechan Dubey and Ashok Mandal were working with M/s. K-2, International, New Delhi, contractor of IOCL, LPG Bottling Plant, Madanpur Khadar, New Delhi, who were given work order

for cylinder transportation as Madanpur Khadar Plant of Indian Oil Corporation. They claimed that they were appointed by the management. In June, August, June and November, 2005 respectively their services were dispensed with. Feeling aggrieved by the said act, they raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings failed, the appropriate Government referred a dispute to this Tribunal vide letter No. L-30011/23/2007-IR(M) dated 25.6.2007 with following terms:

“Whether the termination of the workmen, Shri Raju Rai, Bhagya Narain, Bechan Dubey & Ashok Mandal in June, August, June and November 2005 respectively by M/s. K-2 International, New Delhi contractor of IOCL, LPG, Bottling Plant, Madanpur Khadar, New Delhi is just and legal? If not, to what relief the workmen are entitled?”

2. The appropriate Government directed the workmen to file their claim statement with this Tribunal within a period of 15 days vide letter dated 25th of June, 2007. In spite of instructions issued in that regard workmen opted not to file any claim statement.

3. Notice was sent to the workmen to file their claim statement. Shri D. Sharma General Secretary, of Gas Workers Union Sector 4, R.K. Puram, New Delhi appeared before this Tribunal on 13-9-07. Matter was adjourned for filing of the claim statement for 14-11-07. Thereafter none appeared on behalf of the workmen.

4. Fresh notice was sent to the workmen by registered post to file his claim statement on 12-6-09 calling upon them to file their claim statement. Neither the postal article had been received back nor anyone appeared on behalf of the workmen in pursuance of the notice. Every presumption lies in favor of the fact that the workmen were served with the notice. No claim statement has been filed in the matter, on behalf of the workmen.

5. Management has presented its written statement in an answer to the terms of the reference. It was claimed on behalf of the management that there was no relationship of employer and employee between the workmen and Indian Oil Corporation. It was agitated that the workmen may be employees of M/s K-2 International, who were given work order for the cylinder transportation at the Madanpur Khadar plant of the Corporation. It was projected that for want of privity of contract between the parties there was no dispute much less the industrial dispute to be adjudicated by this Tribunal. From facts projected by the management it emerges that there was no relationship of employer and employee between the workmen and Indian Oil Corporation.

6. Since the workmen had not opted to put forward their claim and management denies relationship of workmen and employer between the parties, under these circumstances it cannot be said that services of the

workman were terminated by the Indian Oil Corporation in June, August, June and November, 2005 respectively. The reference itself proposes that service of the workmen was terminated by M/s K-2 International, New Delhi, who were working as contractor at LPG Bottling Plant, Madanpur Khadar of the Corporation. Under these circumstances it is evident that no industrial dispute existed between the workmen and the management of Indian Oil Corporation. For want of claim statement on behalf of the workmen it emerges that the workmen had given up their grievances in the matter. Under these circumstances an award is accordingly passed. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated : 7-7-2009

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2243.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ओ. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-I, नई दिल्ली के पंचाट (संदर्भ संख्या 50/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2009 को प्राप्त हुआ था।

[सं. एल-30011/19/2007-आई.आर.(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2243.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/2007) of the Central Government Industrial Tribunal-cum-Labour Court, No.-I, New Delhi, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IOCL and their workman, which was received by the Central Government on 23-7-2009.

[No. L-30011/19/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
NO. I, NEW DELHI
KARKARDOOMA COURT COMPLEX, DELHI**

I. D. No. 50/2007

Shri Jeet Bahadur and Bipin Mandal,
Through the President,
Gas Workers Union,

C/o CPWD Workers Union, Sector-IV
R. K. Puram, New Delhi-110022.

..... Workman

Versus

The Sr. Plant Manager,
Indian Oil Corporation Ltd. (IOCL),
LPG Bottling Plant, Madanpur Khadar,
New Delhi-110076.

M/s. G. S. & Co.,
D-203, Sarita Vihar,
New Delhi-110076.

.....Management

AWARD

Jeet Bahadur and Bipin Mandal were working with M/s. G.S. & Co., New Delhi, contractor of IOCL, LPG Bottling Plant, who were given work order for cylinder transportation at Madanpur Khadar plant of Indian Oil Corporation. They claimed that they were appointed by the management. However, in November and October, 2005, their services were dispensed with. Feeling aggrieved by the said act, they raised an industrial dispute before the conciliation officer. Since conciliation proceedings failed, the appropriate Government referred a dispute to this Tribunal vide letter No. L-30011/19/2007-IR(M) dated 25-6-2007 with following terms:

“Whether the termination of the workmen, Shri Jeet Bahadur and Bipin Mandal, in November and October, 2005 respectively by M/s. G.S. & Co., New Delhi contractor of IOCL, LPG Bottling Plant, Madanpur Khadar, New Delhi is just and legal? If not, to what relief the workmen are entitled?”

2. The appropriate Government directed the workmen to file their claim statement with this Tribunal within a period of 15 days vide letter dated 25th of June, 2007. In spite of instructions issued in that regard workmen opted not to file any claim statement.

3. Notice was sent to the workmen to file their claim statement. Shri D. Sharma General Secretary, of Gas Workers Union Sector 4, R.K. Puram, New Delhi appeared before this Tribunal on 13-9-07. Matter was adjourned for filing of the claim statement for 14-11-07. Thereafter none appeared on behalf of the workman.

4. Fresh notice was sent to the workmen by registered post, calling upon them to file their claim statement by 7-7-09. Neither the postal article was received back nor anyone appeared on behalf of the workmen in pursuance of the notice. Every presumption lies in favour of the fact that the workmen were served with the notice. No claim statement has been filed in the matter on behalf of the workmen.

5. Management has presented its written statement in an answer to the terms of the reference. It was claimed on behalf of the management that there was no relationship of employer and employee between the workmen and Indian

workman were terminated by the Indian Oil Corporation in June, August, June and November, 2005 respectively. The reference itself proposes that service of the workmen was terminated by M/s K-2 International, New Delhi, who were working as contractor at LPG Bottling Plant, Madanpur Khadar of the Corporation. Under these circumstances it is evident that no industrial dispute existed between the workmen and the management of Indian Oil Corporation. For want of claim statement on behalf of the workmen it emerges that the workmen had given up their grievances in the matter. Under these circumstances an award is accordingly passed. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated : 7-7-2009

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2243.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ओ. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-I, नई दिल्ली के पंचाट (संदर्भ संख्या 50/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2009 को प्राप्त हुआ था।

[सं. एल-30011/19/2007-आई.आर.(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2243.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/2007) of the Central Government Industrial Tribunal-cum-Labour Court, No.-I, New Delhi, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IOCL and their workman, which was received by the Central Government on 23-7-2009.

[No. L-30011/19/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
NO. I, NEW DELHI
KARKARDOOMA COURT COMPLEX, DELHI**

I. D. No. 50/2007

Shri Jeet Bahadur and Bipin Mandal,
Through the President,
Gas Workers Union,

C/o CPWD Workers Union, Sector-IV
R. K. Puram, New Delhi-110022. Workman

Versus

The Sr. Plant Manager,
Indian Oil Corporation Ltd. (IOCL),
LPG Bottling Plant, Madanpur Khadar,
New Delhi - 110076.

M/s. G. S. & Co.,
D-203, Sarita Vihar,
New Delhi-110076.

.....Management

AWARD

Jeet Bahadur and Bipin Mandal were working with M/s. G.S. & Co., New Delhi, contractor of IOCL, LPG Bottling Plant, who were given work order for cylinder transportation at Madanpur Khadar plant of Indian Oil Corporation. They claimed that they were appointed by the management. However, in November and October, 2005, their services were dispensed with. Feeling aggrieved by the said act, they raised an industrial dispute before the conciliation officer. Since conciliation proceedings failed, the appropriate Government referred a dispute to this Tribunal vide letter No. L-30011/19/2007-IR(M) dated 25-6-2007 with following terms:

“Whether the termination of the workmen, Shri Jeet Bahadur and Bipin Mandal, in November and October, 2005 respectively by M/s. G.S. & Co., New Delhi contractor of IOCL, LPG Bottling Plant, Madanpur Khadar, New Delhi is just and legal? If not, to what relief the workmen are entitled?”

2. The appropriate Government directed the workmen to file their claim statement with this Tribunal within a period of 15 days vide letter dated 25th of June, 2007. In spite of instructions issued in that regard workmen opted not to file any claim statement.

3. Notice was sent to the workmen to file their claim statement. Shri D. Sharma General Secretary, of Gas Workers Union Sector 4, R.K.Puram, New Delhi appeared before this Tribunal on 13-9-07. Matter was adjourned for filing of the claim statement for 14-11-07. Thereafter none appeared on behalf of the workman.

4. Fresh notice was sent to the workmen by registered post, calling upon them to file their claim statement by 7-7-09. Neither the postal article was received back nor anyone appeared on behalf of the workmen in pursuance of the notice. Every presumption lies in favour of the fact that the workmen were served with the notice. No claim statement has been filed in the matter on behalf of the workmen.

5. Management has presented its written statement in an answer to the terms of the reference. It was claimed on behalf of the management that there was no relationship of employer and employee between the workmen and Indian

Oil Corporation. It was agitated that the workmen may be employees of M/s. Shiv Goods Carrier, who were given work order for the cylinder transportation at the Madanpur Khadar plant of the Corporation. It was projected that for want of privity of contract between the parties there was no dispute, muchless an industrial dispute to be adjudicated by this Tribunal. From facts projected by the management it emerges that there was no relationship of employer and employee between the workmen and Indian Oil Corporation.

6. Since the workmen had not opted to put forward their claim and management denies relationship of workmen and employer between the parties, under these circumstances it cannot be said that services of the workman were terminated by the Indian Oil Corporation in November and October, 2005. The reference itself proposes that service of the workmen was terminated by M/s. G.S. & Co. New Delhi, who were working as contractor at LPG Bottling Plant, Madanpur Khadar of the Corporation. Under these circumstances it is evident that no industrial dispute existed between the workmen and the management of Indian Oil Corporation. For want of claim statement on behalf of the workman it emerges that the workmen had given up their grievances in the matter. Under these circumstances an award is accordingly passed. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated: 7-7-2009

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2244.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ओ. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 63/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2009 को प्राप्त हुआ था।

[सं. एल-30011/43/2007-आई.आर.(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2244.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 63/2007) of the Central Government Industrial Tribunal/Labour Court, No.-1, New Delhi, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IOCL and their workman, which was received by the Central Government on 23-7-2009.

[No. L-30011/43/2007-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE DR. R. K. YADAV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, NEW DELHI KARKARDOOMA COURT COMPLEX, DELHI

I. D. No. 63/2007

Shri Shiv Narain,
Through the President,
Gas Workers Union,

C/o CPWD Workers Union, Sector-IV
R. K. Puram, New Delhi-110022. Workman

Versus

The Sr. Plant Manager,
Indian Oil Corporation Ltd. (IOCL),
LPG Bottling Plant, Madanpur Khadar,
New Delhi - 110076.Management

AWARD

Shri Shiv Narain was working with M/s Shubh Laxmi Gas Service, A-38/3, Vikas Marg, Shakarpur, Delhi, contractor of IOCL, LPG Bottling Plant, Madanpur Khadar, New Delhi who was given work order for cylinder transportation at Madanpur Khadar plant of Indian Oil Corporation. He claimed that he was appointed by the management. In November and October, 2005, their services were dispensed with. Feeling aggrieved by the said act, he raised an industrial dispute before the conciliation officer. Since conciliation proceedings failed, the appropriate Government referred a dispute to this Tribunal vide letter No. L-30011/43/2007-IR(M) dated 27-8-2007 with following terms:

“Whether the termination of Sh. Shiv Narain in April, 2005 by M/s Shubh Laxmi Gas Service, A-38/3, Vikas Marg, Shakarpur, Delhi, Contractor of IOCL, LPG Bottling Plant, Madanpur Khadar, New Delhi is just and legal? If not, to what relief the workman is entitled?”

2. The appropriate Government directed the workman to file their claim statement with this Tribunal within a period of 15 days vide letter dated 27th August, 2007. In spite of instructions issued in that regard workmen opted not to file any claim statement.

3. Notice was sent to the workman to file his claim statement. Matter was adjourned for filing of the claim statement for 12-11-2007. None appeared on behalf of the workman.

4. Fresh notice was sent to the workman on 21-5-09 by registered post to file his claim statement on 18-6-09 calling upon him to file his claim statement. On 18-6-09 again notice was sent to the workman for 13-7-09. Neither the postal article had been received back nor anyone

appeared on behalf of the workman in pursuance of the notice. Every presumption lies in favour of the fact that the workman was served with the notice. No claim statement has been filed in the matter on behalf of the workman.

5. Management has presented its written statement in an answer to the terms of the reference. It was claimed on behalf of the management that there was no relationship of employer and employee between the workmen and Indian Oil Corporation. It was agitated that the workmen may be employees of M/s. Shubh Laxmi Gas Service, A-38/3, Vikas Marg, Shakarpur, Delhi, who were given work order for the cylinder transportation at the Madanpur Khadar plant of the Corporation. It was projected that for want of privity of contract between the parties there was no dispute muchless the industrial dispute to be adjudicated by this Tribunal. From facts projected by the management it emerges that there was no relationship of employer and employee between the workmen and Indian Oil Corporation.

6. Since the workman had not opted to put forward his claim and management denies relationship of workman and employer between the parties, under these circumstances it cannot be said that services of the workman were terminated by the Indian Oil Corporation in April, 05. The reference itself proposes that service of the workmen was terminated by M/s. Shubh Laxmi Gas Service, Delhi, who were working as contractor at LPG Bottling Plant, Madanpur Khadar of the Corporation. Under these circumstances it is evident that no industrial dispute existed between the workmen and the management of Indian Oil Corporation. For want of claim statement on behalf of the workman it emerges that the workmen had given up their grievances in the matter. Under these circumstances an award is accordingly passed. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated : 13-7-2009

नई दिल्ली, 27 जुलाई, 2009

का.आ. 2245.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टी. ए. एन. एम. ए. जी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 22/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2009 को प्राप्त हुआ था।

[सं. एल-27011/4/2008-आईआर(एम)]
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th July, 2009

S.O. 2245.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 22/2009)

of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of TANMAG and their workman, which was received by the Central Government on 23-7-2009.

[No. L-27011/4/2008-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 14th July, 2009

Present: A. N. Janardanan, Presiding Officer

Industrial Dispute No. 22/2009

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of TANMAG and their Workmen)

BETWEEN

The General Secretary : I Party/Petitioner
Salem, Dharmapuri, Namakkal,
Erode Mavatta Pokuvarathu
Matrum Podhu Thozhilalar Sangam
21, Vivekananda Street
Salem-7

Vs.

The Managing Director : II Party/Respondent
TAN MAG, 5/63, Omalur Road
Jagirammapalayam,
Salem-2

APPEARANCE

For the 1st Party/Petitioner: M/s. M. Selvam, T. Pappaiah
Dharmarajan

For the 2nd Party/
Management : M/s. M.R. Raghavan,
Advocate

AWARD

The Central Government, Ministry of Labour vide its Order No. L-27011/4/2008-IR(M) dated 30-1-2009 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the management of TANMAG, Salem in paying a less salary to HMV Drivers when compared to LMV Drivers is justified? What relief the HMV Drivers are entitled to?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as 22/2009 and issued notices to both sides. Both sides entered appearance through their

respective counsel. Thereafter the Industrial Dispute stood posted for filing Claim Statement followed by Counter Statement. There has not had been the representation on either side continuously for a good number of postponements of the case for the purpose. Therefore, at the last the petitioner union was called absent and the Respondent was called absent and set-apart. The records were perused.

3. Points for consideration are :

- (i) Whether the action of the Management of TANMAG, Salem in paying a lesser salary to HMV Drivers compared to LMV Drivers is justified?
- (ii) To what relief the HMV Drivers are entitled?

Point Nos. 1 & 2

4. As a matter of convenience these two points are considered together. Both the parties though entered appearance, thereafter continuously remained absent and thereby failed to file any Claim or Counter Statements complete with relevant documents, list of reliance and witnesses as instructed to do so under the very reference or on the direction of this Tribunal. Therefore, there is no material before this Tribunal to find out under what support the reference is to be answered.

5. From the couching terminology in the reference, it is legitimate for this Tribunal to presume that under the Management of TANMAG there are two categories of Drivers viz. (i) HMV Drivers and (ii) LMV Drivers, that LMV Drivers are paid comparatively more salary than to HMV Drivers. The question to be considered is whether such payment of lesser salary to HMV Drivers than to LMV Drivers is justified. In this ID both the parties are absent to prosecute or defend their respective claims or defence as the case may be. Since the reference is at the instance of the petitioner, the initial burden is upon him to prove that payment of lesser salary to the HMV Drivers is justified or not. Under the Indian Evidence Act when a party wishes to make believe the Court, the existence of a certain fact it is for that party to adduce evidence to prove that. There is a maxim the meaning of which is to the effect that when both are at equal faults the condition of the defendant (herein the "Respondent") is better. There is another principle that when both sides adduce evidence the burden of proof loses its importance. So viewed, it could also mean that when both sides do not adduce evidence, the burden of proof loses of its importance. In this case both sides have not even presented their pleadings or supporting documents. There is hardly any material to tilt a decision by way of answer to the reference in favour of either party. However, invoking the concept of burden of proof as being on the First Party Petitioner as mentioned above and since he has not discharged the initial burden

of satisfying the Tribunal by adducing any evidence, it is only to be found that payment of less salary to HMV Drivers compared to LMV Drivers cannot be held not justified and therefore is justified in the absence of material to adopt a contra view.

6. The point is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 14th July, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :

For the I Party/Petitioner : None

For the II Party/Management : None

Documents Marked :

On the petitioner's side

Ex. No.	Date	Description
	Nil	

On the Management's side

Ex. No.	Date	Description
	Nil	

नई दिल्ली, 28 जुलाई, 2009

का.आ. 2246.—जबकि मैसर्स भारत हैवी इलैक्ट्रीकल्स लि. (उत्तर प्रदेश क्षेत्र में कोड संख्या यूपी/7493 के अंतर्गत) (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त योजना के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 1-5-1983 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/14/2009-एस. एस. 11]

ए. के. गुप्ता, अवर सचिव

New Delhi, the 28th July, 2009

S.O. 2246.—Whereas M/s. Bharat Heavy Electricals Ltd., (under Code UP/7493 in Uttar Pradesh Region) (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 01-05-1983 until further notification.

[No. S-35015/14/2009-SS-II]

A. K. GUPTA, Under Secy.

नई दिल्ली, 28 जुलाई, 2009

का.आ. 2247.—जबकि मैसर्स फ्रान्को इंडियन रेमेडीज (प्रा.) लि. (चैन्नई क्षेत्र में कोड संख्या टीएन/22766 के अंतर्गत) एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 1-1-1993 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/44/2009-एस. एस. II]

ए. के. गुप्ता, अवर सचिव

New Delhi, the 28th July, 2009

S.O. 2247.—Whereas M/s. Franco Indian Remedies (P) Ltd., (under Code No. TN/22766 in Chennai Region) (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 01-01-1993 until further notification.

[No. S-35015/44/2009-SS-II]

A. K. GUPTA, Under Secy.

नई दिल्ली, 28 जुलाई, 2009

का.आ. 2248.—जबकि मैसर्स स्टील ऑथोरिटी ऑफ इंडिया, कारपोरेट आफिस [दिल्ली (उत्तरी) क्षेत्र में कोड संख्या डीएल/4563 के अंतर्गत एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित] ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के

प्रचालन से 1-1-1981 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/36/2009-एस. एस. II]

ए. के. गुप्ता, अवर सचिव

New Delhi, the 28th July, 2009

S.O. 2248.—Whereas M/s Steel Authority of India Ltd., [under Code DL/4563 in Delhi (North) Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 01-01-1981 until further notification.

[No. S-35015/36/2009-SS-II]

A. K. GUPTA, Under Secy.

नई दिल्ली, 4 अगस्त, 2009

का.आ. 2249.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

केन्द्र

तिरुणलवेली जिला में	1. राधापुरम तालुक
नांगुनेरी तालुक और राधापुरम तालुक में वल्लियूर केन्द्र	(क) वल्लियूर
	(ख) वल्लियूर साउथ
	2. नांगुनेरी तालुक
	(क) तलपति समुद्रम
	आदि के अंतर्गत आने वाले राजस्व गांव

[संख्या एस. 38013/29/2009-एस.एस. I]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 4th August, 2009

S.O. 2249.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely:

CENTRE

Areas Comprising the Revenue Villages of

Valliyoore in Radhapuram 1. Radhapuram Taluk

Taluk and Nanguneri

(a) Valliyoore

Taluk in Tirunelveli District

(b) Valliyoore South

2. Nanguneri Taluk

(a) Thalpathi Samudaram

[No. S-38013/29/2009-S.S.I.]

S. D. XAVIER, Under Secy.

नई दिल्ली, 4 अगस्त, 2009

का.आ. 2250.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

केन्द्र

विरुधनगर जिला में	विरुधनगर जिला में व्याप्त
शिवाकाशी के घेरे का क्षेत्र	क्षेत्र के राजस्व गांव
	विरुधनगर जिला में शिवाकाशी तालुक के नेंदुगुलाम के राजस्व गांव

[संख्या एस. 38013/30/2009-एस.एस. 1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 4th August, 2009

S.O. 2250.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought

into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

Centre	Areas comprising the revenue Villages of Virudhunagar District.
Sivakasi peripherals area in Virudhunagar District	Revenue Village of Nedungulam of Sivakasi Taluk in Virudhunagar District.
	[No. S-38013/30/2009-S.S.I.]
	S. D. XAVIER, Under Secy.

नई दिल्ली, 4 अगस्त, 2009

का.आ. 2251.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 सितम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्रम सं.	राजस्व ग्राम का नाम व नगरपालिका सीमाएं	होबली	तालुक	जिला
1.	बसवनपुरा	कसबा	रामनगर	रामनगर
2.	मायगानहल्ली	कसबा	रामनगर	रामनगर
3.	मादापुरा	कसबा	रामनगर	रामनगर

[संख्या एस. 38013/31/2009—एस.एस. 1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 4th August, 2009

S.O. 2251.—In exercise of the powers conferred by sub-section (3) of Section I of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka namely :—

Sl. No.	Name of the Revenue Village or Municipal Limits	Hobli	Taluk	District
1.	Basavanapura	Kasaba	Ramanagar	Ramanagar
2.	Mayaganahalli	Kasaba	Ramanagar	Ramanagar
3.	Madapura	Kasaba	Ramanagar	Ramanagar

[No. S-38013/31/2009-S.S.I.]

S. D. XAVIER, Under Secy.

नई दिल्ली, 24 जुलाई, 2009

का.आ. 2252.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एस. सी. कम्पनी लिमिटेड के प्रबंधन के संबंध में उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 112/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2009 को प्राप्त हुआ था।

[सं. एल-29025/5/2009-आईआर(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 24th July, 2009

S.O. 2252.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 112/2006) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. S.C. Co., Ltd. and their workman, which was received by the Central Government on 23-7-2009.

[No. L-29025/5/2009-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated, the 25th Day of June, 2009

Industrial Dispute No. 112 of 2006

BETWEEN

Yetakari Malliah

.....Petitioner

And

(1) The General Manager,
M/s S.C. Co. Ltd.,
Ballampally, Adilabad Dist.

(2) The Superintendent of Mines,
M/s S.C. Co. Ltd.,
Goleti No. 1 Incline,
Rebban Mandal,
Adilabad District.

...Respondents

APPEARANCES

For the Petitioner : Shri A. K. Tayaprakash Rao,
Advocate

For the Respondent : Shri P. A. V. V. Sharma
Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. This petition under section 2(A)2 of ID Act has been filed by Yetakari Mallaiah for declaring his retirement as null and void and reinstate him in the services on the ground that his date of birth has been wrongly entered and he was forced to retire two years earlier than his actual date of superannuation.

3. Counter statement has been filed by the respondent management denying allegations in the claim statement and has further been alleged that the petition under Section 2(A)2 of the ID Act is not maintainable before this Tribunal as Section 2(A)2 of the ID Act is not applicable in the present case. The present case is of the retirement of the petitioner which is neither retrenchment nor dismissal nor disengagement. As such, the maintainability of the petition has been challenged.

4. The respondent has raised preliminary objection regarding maintainability of the petition and the case was posted for arguments on the preliminary issue on the maintainability of the petition. But the petitioner did not appear on the date of the argument on the preliminary issue.

5. Hence, this Tribunal heard counsel for the respondent. The learned counsel for the respondent has argued that though Section 2(A)2 is applicable in the State of Andhra Pradesh, but the provisions of Section 2(A)2 of the ID Act is applicable only where that dispute relates to discharge, dismissal, retrenchment or termination of the services of a workman. Other disputes are excluded from the provisions of Section 2(A)2 of the Act, for adjudication

of such other disputes procedure has been prescribed under the Act for reference of dispute by Government. He has argued that in the present case the workman has neither been discharged nor dismissed nor retrenched nor terminated from the service, but of own contention of the petitioner, he was retired from the service. As such, his case is not covered under any of the heads of discharge, dismissal, retrenchment or termination. Thus, the case of retirement stands excluded from the purview of Section 2(A)2. The procedure prescribed under the Act is that reference of the dispute by the Government has to be made to this Tribunal for Award. The learned counsel for the respondent has cited a case law of Hon'ble A.P. High Court printed and published in 2008(1) ACD 53 wherein Division Bench of Hon'ble A.P. High Court in the matter of Superintending Engineer, Irrigation Circle Department, Hyderabad Vs. B.Sathaiah and others. I have gone through the case law cited by the learned counsel for respondent and have also read over the averments made in the claim statement filed by the workman petitioner. In the present case, the petitioner has challenged the action of retirement by the management. The case of petitioner is not covered under the head of discharge, dismissal, retrenchment or termination. As such, this case is not covered under Section 2(A)2 of the ID Act. Thus, in the light of the case law cited above, the petition is not maintainable under Section 2(A)2 and deserves to be dismissed on the preliminary ground itself. The petition is dismissed.

Dictated to Sri P. Kanaka Raju, LDC transcribed by him and corrected by me on this 25th day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of Evidence

Witnesses examined
for the Petitioner : NIL

Witnesses examined
for the Respondent : NIL